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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, APRIL 19, 2005

8:30 A.M.

(PAGES 6770 THROUGH 6828)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 6770

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
JACKSON, Janet	6773-Z	6788-M		
	6825-Z (Further)			

Santa Maria, California
Tuesday, April 19, 2005
8:30 a.m.

THE COURT: Good morning, everyone.
THE JURY: (In unison) Good morning.
COUNSEL AT COUNSEL TABLE: (In unison)
Good morning, Your Honor.
THE COURT: Mr. Zonen, you may proceed.
MR. ZONEN: Good morning, Your Honor.

JANET JACKSON
Having been previously sworn, resumed the stand and testified further as follows:

REDIRECT EXAMINATION
BY MR. ZONEN:
Q. Miss Arvizo, good morning.
A. Good morning.
Q. Yesterday, there were a number of questions that were asked about that tape-recording of the phone call, or series of phone calls, between Frank and you that you listened to in court early in your testimony, and you had testified previously that you believed it was a compilation of a few different calls; is that correct?
A. This is correct.
Q. All right. Now, at any time during the 6773

series of telephone conversations that you had with Frank after you had left Neverland on that first occasion, did you talk with him about the specific issue of danger?
A. Yes.
Q. And what specifically did you tell him?
A. The death threats about my children.
Q. How often did you bring up that subject in the course of those conversations?
A. Every single time.
Q. You were asked some questions about attorneys that you had seen over the last number of years, and why you might have contacted an attorney to deal with Mr. Jackson. Do you remember those questions from Mr. Mesereau?
A. Yes, I do.
Q. It's a little confusing because apparently you have at one time or another dealt with two attorneys by the same name, Feldman; is that correct?
A. This is correct.
Q. The attorneys that you went to with regards to the J.C. Penney's lawsuit. What was the name of that law firm?
A. The law firm was called Rothstein & Feldman.
Q. All right. Now, the Feldman that we're referring to, is that Larry Feldman?
A. No. That is not Larry Feldman. 6774

Q. It's a different Feldman?
A. It is a different Feldman.
Q. Do you know his first name?
A. I come to know now that his name is George Owen Feldman.
Q. Did you actually deal with Mr. Feldman, George Feldman?
A. I've never dealt with George Owen Feldman.
Q. Who are the attorneys from that law firm, Feldman & Rothstein, who you actually dealt with?
A. From that law firm, dealt with Mr. Rothstein, Anthony Ramieri, and a Michael Adler.
Q. Now, did you contact Feldman & Rothstein?
A. And --
Q. Not Larry Feldman?
A. There was one more, but he was with Michael Adler.
Q. Did you contact the law firm of Feldman & Rothstein for purposes of dealing with Michael Jackson in any way?
A. No.
Q. When was the first time issues of Michael Jackson or actions involving Michael Jackson came up with a lawyer?
A. Mr. Dickerman.
Q. And then Larry Feldman thereafter?
A. Then Larry Feldman thereafter.
Q. There were questions that were asked of you 6775

by Mr. Mesereau as to the amount of money that Louise Palanker gave to you or your family. Did you ever ask Louise Palanker for money?
A. No.
Q. How many separate checks were turned over to your family by Louise Palanker?
A. It was two checks in the amount of $10,000.
Q. All right. Were you present at the time either of those checks were written?
A. I wasn't present.
Q. Were you present at either time the checks were given to you?
A. No.
Q. Did you know in advance that David was going to be given that money?
A. No.
Q. Did he discuss it with you in any way prior to him getting the money from Louise Palanker?
A. No.
Q. Did you assist in cashing or depositing either of the two checks?
A. No.
Q. Were you aware that one of them was written to you?
A. Yes.
Q. Did you have to endorse that one, sign it?
A. Yes, I did.
Q. There's been a lot of testimony so far about 6776

1 the cleanroom at your mother's house for Gavin while
2 he was ill. The money that came to create that
3 clean room came from where?
4 A. From Wheezy, Louise Palanker.
5 Q. Did you have any conversation with Louise
6 Palanker, either before or after that check was
7 given to you, about how that check would be used?
8 A. No.
9 Q. Were you given any money by Fritz Coleman?
10 A. No.
11 Q. Did you ever ask for money from Fritz
12 Coleman?
13 A. No.
14 Q. Were you given any money by George or Ann
15 Lopez?
16 A. No.
17 Q. Did you ever ask for money from either
18 George or Ann Lopez?
19 A. No.
20 Q. Were you present at any time when that issue
21 of a wallet became the subject of discussion between
22 George Lopez and your husband, your then husband
23 David Arvizo?
24 A. No.
25 Q. Were you aware of that at the time that it
26 happened?
27 A. No.
28 Q. When did you first learn about that 6777

1 incident?
2 A. I think I heard it from Jamie. And this was
3 after David was no longer with us.
4 Q. At some point in time, did you learn that
5 there was an unnamed benefactor who was prepared to
6 give you money?
7 A. Yes.
8 MR. MESEREAU: Objection. Leading and
9 beyond the scope.
10 THE COURT: Overruled. The answer was,
11 “Yes.” Next question.
12 Q. BY MR. ZONEN: Who is it who told you about
13 that?
14 A. Jamie.
15 MR. MESEREAU: Objection. Leading; beyond
16 the scope.
17 THE COURT: Overruled.
18 MR. ZONEN: The answer is in?
19 THE COURT: The answer was, “Jamie.”
20 Q. BY MR. ZONEN: Was that Jamie Masada?
21 A. Yes, that was Jamie Masada.
22 Q. What was your response to this offer of
23 money?
24 A. I told him, “No, thank you”; that all I
25 wanted was friends and prayers.
26 Q. Do you know the name of the person who was
27 this benefactor?
28 A. I never knew. 6778

Q. Do you remember when that took place?
A. This was -- the best I can remember, it was after all this Neverland stuff happened. That's the best I can remember.
Q. Did you ever ask Jay Leno for money?
A. No.
Q. Did you ever meet Jay Leno?
A. I've never met Jay Leno.
Q. Did you ever have a telephone conversation with Jay Leno?
A. I've never had a telephone conversation with Jay Leno.
Q. Were you ever present at the time your son made any telephone calls to Jay Leno or had a conversation with him?
A. No.
Q. Were you present at any of the fund-raisers that took place at The Laugh Factory?
A. No.
Q. Mr. Mesereau asked you questions about medical insurance covering Gavin's illness during that period of time. Did his medical insurance cover all of the expenses of his illness during that period of time?
A. Yes. This is correct.
Q. Did you ever tell anybody that -- that insurance was not covering the medical expenses?
A. No. 6779

Q. Were you ever concerned about whether the medical insurance would continue?
A. I was concerned because David wasn't working. He didn't want to go back to work.
Q. Did you express that concern to anybody, to your recollection?
A. To my recollection, I don't think so.
Q. At one point you purchased an automobile -- or, excuse me. At one point -- let me do that one more time.
You were asked a question by Mr. Mesereau as to whether or not you purchased an automobile. Did you actually take steps towards purchasing an automobile?
A. Yes, I did.
Q. What was it that you did toward purchasing an automobile?
A. Okay. I had -- I had called a car dealership from a phone booth, from the phone book. And the person -- they transferred me over to the sales department. And the gentleman who spoke on the phone sounded really nice. So I figured that's the way I'm going to go, through this dealership, through this man. And then --
Q. Which dealership was it?
A. I think it was -- I don't remember. But I remember it was -- I think it was Hollywood Ford. I think it was. That's the best I can remember. 6780

And so I had a -- I don't know whether it was a travelers check or a cashier's check, one of those things made out to that, in that amount, but I then changed my mind and I had it cancelled. But I -- so I never did purchase a car.
Q. Okay. You had a travelers check that you actually made out for a certain amount of money?
A. Yes, I did.
Q. Were you able to cancel that check?
A. Yes, I was. I -- yes. I didn't follow through with the purchase of the car.
Q. You were asked questions about conversations with Mr. Jackson by Mr. Mesereau. Prior to the phone call on the 5th of February, or the date that you received that phone call from Mr. Jackson when he was in Miami, inviting you to come to Miami, had you had any conversations with Mr. Jackson prior to that day?
A. No.
Q. Had you asked him for any money?
A. No.
Q. Prior to that date?
A. No.
Q. Or since that date?
A. No.
Q. Did you receive any money from him?
A. No.
Q. What was the state of your -- what was your 6781

1 life like prior to that phone call?
2 MR. MESEREAU: Objection; vague.
3 MR. ZONEN: Let me change the question.
4 Q. On the 4th of February, the day before you
5 received that phone call, were there any problems
6 that you were dealing with at that time?
7 MR. MESEREAU: Objection; vague.
8 THE COURT: Sustained.
9 Q. BY MR. ZONEN: Were your children healthy
10 prior to that?
11 A. Our life prior to Mr. Jackson's --
12 Q. No, just limit it to just the question.
13 A. Okay.
14 Q. Were your children healthy in early
15 February?
16 A. Yes.
17 Q. Gavin was dealing with no medical issues
18 other than the ones that he deals with on a regular
19 basis?
20 A. This is correct.
21 Q. How long had you been in a relationship with
22 Mr. Jackson at that time, Major Jackson?
23 A. It was a new, promising relationship with
24 him.
25 Q. Were you aware, prior to Mr. Jackson's
26 telephone call to you, that he was even in Miami?
27 A. No.
28 Q. Did you express any desire to anybody to go 6782

1 to Miami?
2 A. No.
3 MR. ZONEN: Your Honor, finally, this might
4 be beyond the scope of the cross-examination in
5 which I would ask the Court's indulgence to reopen.
6 I've advised Mr. Mesereau of this. We neglected to
7 show part of the surveillance tapes. We missed it
8 on Friday. And I'd like to show the last part
9 of it. It's about 60 seconds' worth, if I could do
10 that at this time.
11 MR. MESEREAU: Beyond the scope, Your Honor.
12 THE COURT: All right. I'll allow you to
13 reopen.
14 MR. ZONEN: Thank you.
15 Q. You had previously seen some surveillance
16 tapes prior to coming into court and then you saw
17 some surveillance tapes on Friday. This is an
18 additional footage I'd like to show you at this
19 time. And then we're going to stop the tape and
20 have you identify it.
21 If you could turn down the lights, please.
22 THE COURT: It's going to be on "Input 1"?
23 MR. AUCHINCLOSS: Yes, Your Honor.
24 And we're on "Input 1," Your Honor?
25 MR. ZONEN: Bob, did you rewire this?
26 THE COURT: I think you all ought to go
27 together and hire a teenaged boy to handle this for
28 you. 6783

(Laughter.)
MR. ZONEN: Any teenaged boy.
MR. SANGER: You don't have that hooked up.
THE BAILIFF: Do you want to play it off the
DVD?
MR. AUCHINCLOSS: I think we'll just play it
off the DVD.
We'll need "Input 4," Your Honor.
(Off-the-record discussion held at counsel
table.)
MR. AUCHINCLOSS: Your Honor, I'm just going
to fast-forward through a portion of it that we've
already seen.
MR. ZONEN: We're ready, Your Honor.
Go ahead and stop it.
Q. Miss Arvizo, do you recognize those people?
A. Yes.
Q. And who is that?
A. This is now my now husband, Mr. Jay Jackson,
and my two boys, Gavin and Star.
Q. And they appear to be carrying something.
What is that?
A. Yes. This is -- they're carrying their
military uniforms.
Q. From the laundry?
A. Yes, from the cleaners.
Q. Do you know what street they're on?
A. Yes, actually, this is right near Jay's Army 6784

base, which is way far from where Jay was living.
Q. In West Los Angeles, do you mean?
A. Yes.
MR. ZONEN: And for the record, the date on the lower right-hand corner is March 20th, '03, and the time was 3:47 p.m.
Go ahead, please.
And stop it.
Q. They're stopping now. The date on the lower right-hand corner, March 21, '03, at 8:01 a.m.
Do you know who's in that car?
A. Yes, I do.
Q. Who is that?
A. This is me.
Q. All right. And that car is --
A. And my boys.
Q. That car is your family car?
A. This at the time was -- I'm now married to Jay, but that was Jay's car.
Q. Okay. The -- do you know where you are?
A. Yes, I am.
Q. Where is that, in this slide?
A. Yes. Right here, I am dropping off the children at their school. Gavin and Star. I'm parked right there in front of their school.
Q. Is the school John Burroughs Middle School?
A. This is John Burroughs Middle School.
Q. And would 8:01 a.m. be consistent with about 6785

1 the time that you would drop them off at school?
2 A. Yes, this is consistent.
3 Q. Let's go ahead and -- March 21st was a day,
4 in fact, that they went to school?
5 A. Yes, I had already by this time immediately
6 reenrolled them back into John Burroughs Middle
7 School.
8 MR. ZONEN: Go ahead.
9 Go ahead, stop it.
10 Q. It now says March 22nd at 5:10 p.m.
11 Do you know what we're looking at here?
12 A. Yes, this is Jay Jackson's apartment. Where
13 you see that little rag or shirt, rag, shirt,
14 hanging off the balcony, that's his apartment.
15 His -- I don't know -- what's that called? Balcony.
16 That's what it is, balcony. And right beyond the
17 palm you can see me, I'm standing right there.
18 Q. And again, this says March 22nd, '03, at
19 5:10 p.m.
20 A. So if you look closer to the wall where the
21 palm is, right above the palm, that's me.
22 MR. ZONEN: Stop it for just one second.
23 Q. I've asked to stop it one more time. Just a
24 couple of questions.
25 Behind this apartment building, what is
26 there? In other words, is it a parking lot or
27 something that's right behind? Let me ask it
28 differently. 6786

A. Okay.
Q. Are we looking at the back of the apartment or the front?
A. Yes, you are looking at the back of the apartment building.
Q. Standing up on the balcony where you appear to be, what can you see looking down?
A. You can see the street. You can see other apartments. And beyond that, you can see the actual -- like a little eating area, market area, stuff like that.
Q. Okay.
A. This was Korea Town.
Q. Can you tell, based on looking at this picture, where the person would be who is taking the photograph?
A. Yes. Based on this angle, they would be right there, on the street, because right there is an actual city street.
Q. Do you know the name of the street right there?
A. No, I don't. It's just the back side of the apartment building. The apartment building is surrounded by three public city streets. And that's one of them.
Q. Were you aware -- I mean, now that you know the date, March 22nd, were you aware at that time you were being filmed actually at that time? 6787

A. No. It's by -- by -- sometimes I would see them and sometimes I wouldn't.
Q. But on this particular occasion --
A. But on this particular occasion, I did not see them.
MR. ZONEN: Go ahead.
Your Honor, we have no further questions.
THE COURT: Mr. Mesereau?
MR. MESEREAU: Yes, please.

RECROSS-EXAMINATION
BY MR. MESEREAU:
Q. Miss Arvizo, the day after you claim you were beaten severely in the J.C. Penney parking lot, you returned to J.C. Penney, true?
MR. ZONEN: Objection; exceeding the scope of the redirect examination.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Now, you told -- the prosecutor asked you about -- excuse me. Let me rephrase it.
The prosecutor asked you about what happened to you in the parking lot in his redirect examination, okay? And I'd like to explore some more of those facts, all right?
You were in a public parking lot, what time of day?
A. I was in a public parking -- I don't know if 6788

you know a mall. Way, way, way at the end. And this particular area where we're talking about, there's actually no windows, no anything. It's almost empty.
Q. It was a public parking lot at J.C. Penney, true?
A. Incorrect. It was a mall parking lot, which was at the furthest distance where this Tower Records sits independently. And there's no windows or no -- nothing of view. So it's kind of like in a -- the farthest away, where -- it's almost isolated, that area.
Q. Is that where your car was parked?
A. Yes, this is where the car was parked.
Q. Is that where Gavin ran to with the items that were not paid for?
A. I wouldn't know that. I wasn't there.
Q. Well, at some point, you saw something going on near the automobile, correct?
A. That's incorrect.
Q. Did you ever see something going on near your automobile in the parking lot?
A. No.
Q. Did you see something going on at some point that concerned you?
A. That's too vague. Everything concerned me.
Q. Well, at some point, did you walk out of a building and see some activity around Gavin and 6789

David?
A. When I had came out of the mall, I had to walk the farthest distance of the parking lot and that's where I saw David getting beat up by this male and this female. But, no, I did not see Gavin.
Q. Didn't you tell the jury the other day that nothing happened to David?
A. As far as to the extent that happened to me, no. But I did see him getting hit by this male and this female.
Q. And for how long did you see David being hit by a male and a female?
A. The best I can remember, it's from when I had view of to where I walked up to them.
Q. How far away from the car was David when you saw him being beaten up by J.C. Penney security people?
A. Well, initially I didn't see where the car was. I just saw David. It's until afterwards did I become aware where the car was located.
Q. Did you ever learn that Gavin had the car keys with him?
A. I was explained that afterwards.
Q. And where were you coming from?
A. I was coming from having had accepted a job for loss prevention from Oshman's.
Q. Now, you claim that at one point one of the J.C. Penney security guards twisted your neck, 6790

1 correct?
2 A. This is correct.
3 Q. You said the person got behind you, put a
4 hand on your chin, grabbed your hair and twisted
5 your neck, true?
6 A. This is correct.
7 Q. Okay. You said your head was being pulled
8 from side to side, front and back, correct?
9 A. This is correct. And these are things that
10 are happening all in a fast motion. But this
11 attorney, defense attorney, wanted me to break it
12 down to millisecond to millisecond.
13 Q. Did you break it down from millisecond to
14 millisecond?
15 A. I tried to do my best.
16 Q. Okay. Did you tell the truth?
17 A. Of course.
18 Q. Okay. Now, you said one of the J.C. Penny
19 security guards was calling you “Bitch, bitch,”
20 right?
21 A. I think so.
22 Q. Would it refresh your recollection to see
23 your --
24 A. I’m saying I think so. I’m saying yes.
25 Q. Now, J.C. Penney security guards were
26 assaulting you, if you remember?
27 A. The best I can remember, it was two males
28 and a female, and then that other one from that 6791

other store. That's the best I can remember. And
we're talking about this event that occurred almost
seven years ago.
Q. You walked over to where you saw David being
struck, correct?
A. Yes, I did.
Q. And you claim you never struck anyone, true?
A. This is correct.
Q. You claim you never resisted in any shape or
form, right?
A. This is correct.
Q. You were just attacked by these people for
no reason, right?
A. Yes, this is correct.
Q. You said your head was being twisted like
the exorcist, correct?
A. Yes.
Q. You said that someone struck you with their
knee, right?
A. Yes.
Q. You said at some point you were --
MR. ZONEN: I'm going to object as hearsay,
unless it's inconsistent with current testimony.
The deposition would be hearsay.
THE COURT: Overruled.
You may proceed.
Q. BY MR. MESEREAU: You said you were dragged
on the ground, true? 6792

A. Yes.
Q. And who dragged you?
A. I remember how he looked, and it was one -- it was one of the J.C. Penney's people. That's the best I can remember.
Q. Now, you were handcuffed at one point, right?
A. Yes, I was.
Q. And you were then dragged with the handcuffs, right?
A. Yes.
Q. And you had trouble breathing, right?
A. Yes.
Q. You fell and you were dragged and dragged and dragged, right?
A. Yes.
Q. That was in public view, correct?
A. Like I said, this area is the furthest of the shopping parking mall and it's actually almost behind this building, Tower Records. And on this side of the building, there is no windows. So, yes.
Q. Was it a public parking lot?
A. Yes.
Q. Was it a parking lot attached to a mall?
A. Yes.
Q. Was J.C. Penney's in that mall?
A. J.C. Penney's was on the other side of the mall. 6793

Q. Was Tower Records in the mall?
A. No, Tower Records is an independent building, and that's where these people did what they did.
Q. Now, you said your head, neck, arms, hand, fingers, back, butt, thighs and calves were all injured, right?
A. This is correct.
Q. Do you know approximately what time this happened?
A. Okay. Like I said before, this is something that happened seven years ago, and the best I can remember, it was in the afternoon. Actually, the afternoon.
Q. Do you know what day it was?
A. No. I can't.
Q. Well, you arrived sometime between 6:00 and 6:30, correct?
A. That sounds about right.
Q. And was it during the week or a weekend, if you remember?
A. I wouldn't be able to tell you that.
Q. Now, you said that David was driving around the parking lot and delaying what you were doing because you were kissing him over and over, right?
A. The best I can remember -- the best I can remember is that David couldn't find a parking space close to the mall. And so, yes, I was. I was happy 6794

to have a job.
Q. And you said that your appointment was delayed because you were driving around the mall with David kissing him, correct?
A. Like I said, there was no parking near the entrance area. So he was trying to find a parking space.
Q. There was no parking because the lot seemed pretty full, true?
A. No. The -- since I was just going to run in and out to go pick up the drug test, and we were on our way to go wash clothes, so that's why.
Q. But you testified under oath you were driving around the lot because David -- because you kept kissing David, right?
A. He was my husband.
Q. Did you say that?
A. That -- yeah, that he was my husband.
Q. Was that your testimony?
A. Yes.
Q. Now, yesterday, you said Gavin was six or seven, correct?
A. It's approximately six, seven, maybe -- the boys are about a year difference. So depending -- if we count back seven years, so maybe six, seven, seven, eight, about there. Because you didn't ask me specifically. You said "boys," I think.
Q. Well, you testified on December 14th, the 6795

year 2000, that Gavin was eight years old when this happened, right?
A. When -- when -- he's mixing up things purposely. My son was deposed right in the middle of chemotherapy and radiation treatment. And that -- and at that age, he was ten years of age. But when this happened, he must have been -- the boys are a year apart. He was either six or seven, seven or eight. And this is the best I can remember. The deposition was done when my son Gavin was ten and my son Star was nine.
Q. Do you remember testifying that Gavin was eight years old when that incident happened?
A. This was seven years ago. The best I can tell you is either the boys were six and seven, or seven and eight. They're only a year difference. So -- I'm not really good at math, so if you would like to subtract seven years from now, that's about when.
Q. Now, you testified that one of the security guards, a female, kept using the "F" word at you, right?
A. I think so. I believe so.
Q. That she was going to "F" you up, right?
A. I think so, yes.
Q. And she said -- you testified she called you an "F asshole," right?
A. I think so, yes. 6796

Q. Would it refresh your recollection to see your testimony?
A. No, I'm saying yes, I think so.
Q. And you testified she did this for no reason, right?
A. That's how I felt. That's my opinion.
Q. They didn't know --
A. Because definitely I did not go inside the store. And definitely I did not do what they were claiming that I had done, which was burglary, petty theft and assault and battery.
Q. And this woman said this to you when you walked over to what was happening to David?
A. I think they were just overzealous security. And so they did what they did. I think they themself were in the moment.
Q. Now, you said you were hit with a closed fist, correct?
A. Yes.
Q. By this woman; right?
A. Yes.
Q. You said you saw David being choked, correct?
A. Yes, I did.
Q. Now, you also mentioned that a male security guard assaulted you, correct?
A. They all assaulted me.
Q. And at some point you hit the ground, right? 6797

A. Yes.
Q. Okay. And while this happened, the security guards kept cursing at you, right?
A. I believe it was only the -- one of the males, and the female.
Q. You indicated that one of the security guards took his badge and twisted it into your face, correct?
A. I think so. But at that time I couldn't tell there was a badge.
Q. Well, you testified that he took a badge, twisted it into your face and said to you, "For the tenth time," and did it, right?
A. Yes, I came to find out afterwards that that's what it was.
Q. You testified you thought you were going to die, right?
A. Yes, it did feel that way.
Q. And at no time did you resist any of this assault, right?
MR. ZONEN: Objection; asked and answered.
THE COURT: Overruled.
You may answer.
THE WITNESS: This is correct.
Q. BY MR. MESEREAU: And you said at some point you were face down on your stomach, right?
A. Yes.
Q. And you said at no time did David ever come 6798

over to help you, right?
A. Yes. This is correct.
Q. You said he just stood there on the sidewalk, right?
A. That's right. He just stood there on the sidewalk.
Q. You said that the woman was hitting you over the head with her handcuffs, right?
A. Yes.
Q. And you said she was pulling your hair, right?
A. This says -- if -- yeah, that's the best I can remember.
Q. And you said the male security guard is the one who grabbed your breasts and touched you in your private areas, right?
A. This is correct.
Q. You also said he was kicking you, right?
A. I think so. Yes.
Q. And the woman was kicking you as well, right?
A. Yes.
Q. And you said you had no idea why you were being assaulted this way, right?
A. This is correct.
Q. You said you were being choked, correct?
A. Yes.
Q. You said you were kneed by one of the two 6799

guards, right?
A. Yes.
Q. You said they all scratched you, correct?
A. Yes. I did receive scratches.
Q. You said you were hit with handcuffs that were like brass knuckles, right?
A. They had -- I was trying to describe where they were on their hand.
Q. You said that you were smashed like a cockroach, correct?
A. Probably so.
Q. Did you say that?
A. I probably did, trying to -- for them to get a visual.
Q. You said that the male was holding on to your breast with one hand, right?
A. This is correct.
Q. You said they were hitting you all at the same time everywhere, correct?
A. Yes.
Q. You said that Star was assaulted for no reason, right?
A. Yes.
Q. You said Gavin was assaulted for no reason, right?
A. That's right.
Q. And how many security guards do you remember being in the parking lot with your family? 6800

A. Okay. The best I can remember is first it was the male and female. Then another male. Then another male. And then way towards the end, there was another male, but that other male didn't do a single thing. That's the best I can remember.
Q. You said everything became like an echo, like a cave in a tunnel, correct?
A. Yes. It did.
Q. And that's when you thought you were going to pass away, correct?
A. Pass out.
Q. Well, you said you thought you were going to die, right?
A. Yes, but you're taking it -- he's mixing up words. I did feel that way.
Q. And you said they took Gavin and they shoved him into some vomit, right?
A. Yes.
Q. And you said at some point Gavin just laid there, right?
A. He did.
Q. Okay. Were you handcuffed standing up or when you were on the ground; do you know?
A. I -- I remember that. And the best is -- yes, I was laying down when they handcuffed me.
Q. And you said at one point you were called an "F-ing wetback," right?
A. Yes. 6801

Q. And you said they were all laughing while they did this, right?
A. Yes, they were.
Q. And you said Gavin and Star were following while you were dragged, right?
A. Oh, yes. Oh, that is -- that is burned right there.
Q. You said at one point your breasts were outside your blouse and Gavin helped you redress, right?
A. Gavin and Star. My breasts were outside of my bra, and the boys -- because I was handcuffed, the boys got my breasts, put them inside my bra and buttoned me up. So, yes, it was my boys.
Q. And you said that one of the security guards told you, “I hate blacks and I hate Mexicans,” right?
A. One of the security guards, that was his focus.
Q. Is that what you claim that one of them said?
A. I think so. But, you know, I’m -- since -- this is seven years ago. This is the best I can remember. And since he takes things out of context and mixes words around, I’m -- you know, but that does sound correct.
Q. You said under oath, “Gary said, ‘I hate blacks and I hate Mexicans,’” right? 6802

A. Yes.
Q. You were asked how you felt about the fact that clothes were taken without being paid for and that's when you said, "David is extremely honest. He's too honest," right?
A. Yeah.
Q. You said Gavin helped you get your cell phone out of your pocket, right?
A. Yes, I remember that.
Q. And you were both dialing 9-1-1, right?
A. Yes.
Q. And at some point, all of you were arrested, right, you and David and the children?
A. The children were never arrested.
Q. Did they go to the station with you?
A. No, they never went to the station.
Q. Where did they go?
A. They -- when I was standing outside, the police officer did not want to take the boys into custody. So he had the station call my parents. My parents came. And my -- and the officer gave the boys to my parents and that's from right there. Then I was taken to the police station after my parents came from there, from the area, and took the children with them.
Q. And you went to the station, correct?
A. This is correct.
Q. Your photograph was taken, right? 6803

A. Yes.
Q. Did your photograph show bruises on your face?
A. I don't think so. I had makeup on at the time.
Q. Do you remember testifying that at the station, you didn't show bruising, you showed marks, correct?
A. This is correct.
Q. You said, "As days went by, they started getting darker and changing colors, you know, every day, every week," right?
A. Yes.
Q. Okay?
A. Yes. Yes.
Q. You said you had no black and blue marks prior to the incident, right?
A. Yes, this is correct.
Q. Now, the prosecutor asked you questions about a woman who worked at the law firm that represented you named Mary Holzer, correct?
A. Yes.
Q. And you told Mary Holzer that the photographs in the J.C. Penney case were the result of David's beatings, not anybody at J.C. Penney, right?
A. That's incorrect.
Q. You said your hand was broken, correct? 6804

A. Yes. Right here.
Q. You said they stomped on your hand, correct?
A. I think so. I think so.
Q. Would it refresh your recollection if I show you that page?
A. No, I'm saying I think so, so that's a "yes."
Q. You didn't ask that anyone in your family be taken to a hospital, right?
A. Yes, I did. I asked -- I asked the officer and the officer said, "We're going to just process you. It shouldn't take long. And then you can go to the doctor's."
Q. Do you remember testifying, your response to the following question: "Did you urge anybody at any time, including to the police, that either of your sons be taken to the hospital or receive emergency treatment?" And the answer was, "No"? Do you remember that?
A. Yes.
Q. And you were asked, "Why is that? You didn't think there was an emergency?" You said, "At that point I could breathe again. And since my mom knows how to fix everything, you know" --
"Q. You were going to leave it in her hands?
You said, "Yes," right?
A. Yes. Yes. 6805

Q. All right. You said you're not a doctor,
and you didn't have any reason to think you needed
emergency treatment, right?
A. That's correct. But there's also somewhere
in the deposition where I stated -- what I had asked
the J.C. Penney's people, for them to call the
paramedics or something like that - this is the best
I can remember - and he declined it. And it's in
there.
Q. And you testified at the time you just
wanted the J.C. Penney guards arrested. You didn't
want any lawsuit, right?
A. Show me that.
Q. Sure.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: So this is correct, then.
MR. ZONEN: I'll object as vague to the
question, "at the time." At the time of the
deposition or the time of the event?
THE COURT: You're refreshing her memory. Go
ahead.
THE WITNESS: That's right. At --
THE COURT: Wait. Just a moment.
Q. BY MR. MESEREAU: Have you had a chance to
look at that page?
A. Yes.
Q. Does it refresh your recollection about what 6806

you said in that deposition under oath?
A. Yes.
Q. You said you wanted them arrested, you weren't interested in suing, right?
A. That's correct. At that moment, that second, when the officers came, that's what I wanted.
Q. You later changed your mind and decided to file a suit, correct?
A. Because the time had already expired for these people to be arrested.
Q. You claim you had a back injury, right?
A. Yes, I did.
Q. You said prior to this event you had never had a back injury before?
A. This is correct.
Q. Okay. You were asked if you knew whether or not David was aware that Gavin was going to run out of the store with the unpurchased items, and you said, "I didn't have to, no. I know David's honest character," right?
A. Yes.
Q. You testified that in the parking lot, your breasts were fondled for minutes, not seconds, right?
A. That's how I felt.
Q. You said your pelvic area was touched for minutes, correct? 6807

A. That's how I felt.
Q. You said you were hit with closed fists,
right?
MR. ZONEN: Objection; asked and answered.
THE WITNESS: Yes.
Q. BY MR. MESEREAU: And you said the security
guard spit intentionally --
MR. ZONEN: There was an objection to the
last question, Your Honor.
THE COURT: Overruled.
Q. BY MR. MESEREAU: You said the security
guards at J.C. Penney spit intentionally into Star's
face, correct?
A. I think so.
Q. Would it refresh your recollection if you
see that?
A. I think so. "I think so" meaning "yes."
Q. Did you say that under oath?
A. I don't know if -- this is seven years ago,
so I don't know whether it was Star or Gavin, so
that's why I'm saying yes, I think so. But since he
said Star --
Q. Would it refresh your recollection to look
at the deposition transcript?
A. Okay. I'm saying to you, because he's
saying this, I said yes, I think so --
THE COURT: Just a moment.
THE WITNESS: Okay. 6808

THE COURT: He asked you a question whether it would refresh your recollection to look at the transcript.
THE WITNESS: It's okay.
I remember it happening to one of my boys.
And he's specifying --
THE COURT: Ma'am, you're not answering my question.
THE WITNESS: Okay.
THE COURT: Do you want -- will it refresh your recollection to look at the transcript?
THE WITNESS: It's a yes.
Q. BY MR. MESEREAU: You also said the security guards started spitting pumpkin seeds at your family, correct?
A. Oh, yeah, I remember that. That's right there, burned.
Q. And at that point in the deposition is where you said that David Arvizo had never struck you or your children at any time, right?
A. Yes, this is correct.
Q. When did you first go to a lawyer after this incident?
A. I think it was about a year later.
Q. So a year after the incident you change your mind and decided you did want to sue, right?
A. That was too long ago, the question.
Q. Well, during the time of the alleged events 6809

you described, you said you weren't going to sue anyone and then you changed your mind, right?
A. There was a criminal proceedings. I was charged with crimes. I was charged with burglary, petty theft, assault and battery. That process took months. And those people needed to apologize.
Q. So you only sued for an apology?
A. Yes, I did.
Q. At one point didn't your lawyer ask for millions of dollars?
A. No.
Q. But you accepted 152,000, right?
A. No. On -- in my hand, what I received, was only about 32,000. That's it.
Q. Now, did you talk to the prosecutor last night about what you were going to testify to today?
A. I -- on the telephone he spoke to me that he would like to show these surveillance videos, and that's it.
Q. Did the prosecutor talk to you last night about Louise Palanker?
A. Yes, he did.
Q. Do you remember testifying yesterday you didn't know what happened to the money Louise Palanker gave you and David?
A. This is correct.
Q. But last night you talked to the prosecutor and now you remember it was used on the room for 6810

Gavin?
A. No. He refreshed my memory as far as what it was. That's all.
Q. Now, you said today -- excuse me. Let me rephrase.
You said today that you never asked for any money to help Gavin, right?
A. This is correct.
Q. To your knowledge, the only person in your family that ever asked for money to help Gavin was David, right?
A. Yes. This is -- now I know.
Q. But on the Washington Mutual account, which was set up to take funds for Gavin, you were the signatory, right?
A. Yes.
Q. You were the one who withdrew money from the account, correct?
A. This is correct.
Q. So you're on that account for Gavin which you have no knowledge of any fund-raisers, right?
A. This is correct.
Q. You're the signatory on that account, but you don't know why anybody even deposits money into it, correct?
MR. ZONEN: That's argumentative.
Objection.
THE COURT: Overruled. 6811

You may answer.
THE WITNESS: Okay. Can you ask it
differently?
Q. BY MR. MESEREAU: Sure. You've said you had
no knowledge of any fund-raisers for Gavin, correct?
A. This is correct.
Q. You said you never asked anybody for any
financial help at any time, right?
A. This is correct.
Q. You said you never asked anybody for
financial help to assist Gavin, right?
A. Yes, this is correct.
Q. Yet at the same time, you set up a bank
account --
A. Is this a question or a statement, what
you're starting right now?
Q. Yet at the same time, you set up a bank
account for Gavin's benefit with you being the
signatory, correct?
A. Yes, I did follow David's instructions.
Q. And you have no idea why anybody put any
money into that account, correct?
A. This is correct.
Q. You just saw the money there and withdrew
it, right?
A. Yes. I was David's personal secretary.
Q. Never asked a question of anybody, "Where
did this money come from?" Right? 6812

A. That's correct.
Q. Just assumed it was for you to withdraw,
right?
A. No. I did what David told me.
Q. And you said yesterday you couldn't remember
what any of that money was spent on, right?
A. This is correct.
Q. And you had no idea that Chris Tucker was
going to wire some money into that account, right?
A. Yes, this is correct.
Q. And all your discussions with your friend
Aja Pryor, who was his fiancee, the issue of Chris
Tucker giving money never came up, right?
A. This is correct. Like I testified
yesterday, I didn't become friends with Aja until
after David was completely out of the picture.
While Gavin was sick we hardly even spoke. The one
I spoke most to was Ann Lopez.
Q. And in your discussions with Ann Lopez, you
never learned that George Lopez was planning to put
together a fund-raiser for Gavin, right?
A. Yes, this is correct.
Q. And in all your discussions with Jamie
Masada, you never learned that he was putting any
fund-raisers together for Gavin's benefit, right?
A. Yeah, this is correct.
Q. And in any of your discussions with Fritz
Coleman, you never learned that Fritz Coleman was 6813

helping to assist your family with Gavin's illness, right?
A. Yes, this is correct.
Q. No one told you about any of this, right?
A. That's right.
Q. You never knew that comedians showed up at The Laugh Factory on a number of occasions to help raise money for Gavin, right?
A. This is correct.
Q. You never knew that Gavin was in the lobby with his father accepting funds, right?
A. This is correct.
Q. Now, you said you began to buy a car and then changed your mind, correct?
A. Yes. This is true.
Q. And approximately when was that?
A. The best I can remember, the best, because I never even stepped foot in the dealership, was the fall of 2001. I think -- no. No, no, that's incorrect. I apologize. It was definitely the fall. No, it was, the fall of 2001. That's the best I can remember.
Q. And was the company that you were going to purchase an automobile from Hollywood Ford?
A. Yes, it was.
Q. Did you go to Hollywood Ford yourself?
A. I never went to Hollywood Ford.
Q. How did you communicate with Hollywood Ford? 6814

A. I looked in the phone book, and I -- I got
their phone number from there, and I called.
Q. Do you recall using any money that had been
donated for Gavin's benefit on cosmetic surgery?
A. No, I used a credit card.
Q. Was it your credit card?
A. Yes. My credit card. Which is still
outstanding.
MR. ZONEN: I'm going to object as exceeding
the scope of the redirect.
THE COURT: Sustained.
Q. BY MR. MESEREAU: The prosecutor mentioned
the room that was constructed for Gavin at your
parents' house, okay? Do you remember him asking
you questions about that?
A. Yes, I believe so.
Q. And that's the room that today you say
Louise Palanker's money was spent on, right?
A. This is what Mr. Zonen made me aware,
refreshed my memory yesterday.
Q. Did you hire a contractor to fix up that
room?
A. No.
Q. Do you know if anyone did?
A. I now know that David did hire, through
Wheezy, through Louise Palanker. I know now.
Q. Did you have anything to do with a
contractor fixing up that room for Gavin? 6815

A. No.
Q. Did you ever meet a contractor who was fixing up that room for Gavin?
A. No.
Q. Did you even tell a contractor what to do to fix the room up for Gavin?
A. No.
Q. Did you have any involvement at all in making sure that room was fixed up properly to help Gavin with his illness?
A. I think so. It's my mom's house. It started with it being in my mom's house.
Q. Did you ever see it being repaired?
A. No. I was with my two other children.
Q. Do you remember when it was repaired by a contractor so that it would be an appropriate room for Gavin?
A. No.
Q. You never had a discussion with anyone about what the requirements were for Gavin in that room?
A. No.
Q. That was all David, too; is that correct?
A. Yes, this is correct.
Q. So David was the one who was telling the contractor what the specifications were for this renovated room, right?
A. Yes, this is correct.
Q. And David was the one telling the contractor 6816

what Gavin's requirements were to make sure he didn't get exposed to germs and things of that sort, right?
A. I think so.
Q. Was all David, right?
A. Yes. I wasn't there. I was with my two other kids.
Q. It was done at your parents' home but David was the one taking care of everything, right?
MR. ZONEN: Objection; asked and answered.
THE WITNESS: Yes, that's correct.
THE COURT: Sustained.
Just a moment.
Next question.
Q. BY MR. MESEREAU: Now, in response to the prosecutor's questions, you said that you never obtained any of the money from the first Louise Palanker check, correct?
A. Yes, this is correct.
Q. That was a $10,000 check written to Janet Arvizo, correct?
A. Yes.
Q. Was that presented to you by David?
A. No.
Q. Well, who presented the check to you?
A. I -- I think this is how it went. I endorsed it, give it back to David, and that was it.
Q. You just said -- excuse me. Who gave you 6817

the check to begin with?
A. David had me endorse it, and that's it.
Q. And you know --
A. I think so. That's how it happened.
Q. Did you know David was going to deposit the check into your parents' account?
A. Now I understand, this is my understanding, that my mother cashed it for him.
Q. You didn't know that was going to happen at the time?
A. No, I was with my two other kids.
Q. Well, you saw a check for $10,000 --
A. Yes.
Q. -- made out to Janet Arvizo, correct?
A. Yes.
Q. And you knew it was made out to you by Louise Palanker, correct?
A. Yes.
Q. And you're saying that David asked you to endorse it, but didn't tell you where it was going?
A. This is correct.
Q. And you never knew until recently that it was deposited into your parents' account?
A. Yes. This is correct.
Q. Okay. When did you first learn it had been deposited into your parents' account?
A. It wasn't deposited, it was cashed. Just with a lot of events that are occurring now. 6818

Q. And you never knew where any of that money went, true?
A. This is correct. I was -- I did what David told me. I was like his personal secretary.
Q. Did you ever learn that Louise Palanker had written a second check for $10,000 to David?
A. I am aware now.
Q. Did you know at the time?
A. At the time, no.
Q. Well, you were communicating with Louise Palanker a lot at that point, weren't you?
A. Yes, I was.
Q. Wheezy was your friend, correct?
A. Still.
Q. And you were talking to her quite often, were you not?
A. I feel -- I feel I was.
Q. Yet, Wheezy never mentioned she was contributing $20,000 to your family?
A. Yes, that's correct.
Q. Wheezy never mentioned she was writing a $10,000 check to you?
A. This is correct.
Q. Wheezy never mentioned she was writing a $10,000 check to David?
A. This is correct.
Q. You never knew anything about this, right?
A. Yes, this is correct. At that time, 6819

David -- David was more in control of all these previous friendships that I had had.
Q. By the way, do you recall David's using Von's to cash checks?
A. No.
Q. Did you ever learn that David would go to Von's and cash checks?
A. No.
Q. Okay. To your knowledge, did David have his own account anywhere at that time?
A. No.
Q. He had no bank account at all?
A. No.
Q. Did he use a credit union at Von's?
A. Maybe. I don't know.
Q. But you never heard anything about that, right?
A. No.
Q. Now, in one of the police reports involving David's domestic violence, you said you had been abused by him throughout your marriage, true?
MR. ZONEN: Objection; exceeding the scope of the redirect.
THE COURT: Sustained.
MR. MESEREAU: It would have to do with her injuries, Your Honor.
THE COURT: All right. I'll allow the question. 6820

MR. MESEREAU: Thank you.
Q. Do you remember telling the police, when David was arrested, that throughout your 16-year marriage he had physically abused you?
A. Yes. Finally I said something.
Q. You told the police that he would hit you on all parts of your body, right?
A. Yes, he did.
Q. You said he forced your head under water, right?
A. Yes, he did.
Q. You said he prevented you from wearing makeup, right?
A. That's correct.
Q. And in a number of interviews with the police, you said he had beaten you throughout that marriage, right?
A. Yes, he did.
Q. Yet, in the J.C. Penney case, you said none of your bruises or injuries had anything to do with David, right?
A. That's correct.
Q. When you testified under oath in the J.C. Penney case that initially you weren't bruised but as time went on they got blacker and blacker, what did you mean?
A. Well, that I had -- even though I had -- I did have visible abrasions, that even though these 6821

people had hit me, it wasn't immediate. I could see them.
Q. Did your attorney have those photographs taken that the prosecutor introduced into evidence yesterday?
A. Yes.
Q. You didn't go to a lawyer till a year later, right?
A. No. He's incorrect. Those photographs were taken immediately with the criminal court proceedings. That stuff, criminal case, whatever. Had nothing to do with the civil case. I had those photos already. Well, actually, my -- the defense attorney had those photos.
Q. Who hired the photographer?
A. Actually, I think it was -- I don't remember very clear. I don't remember very clear. But it was per the defense attorney's actions, ways, I don't know what you would call it, suggestion. I don't know.
Q. It wasn't taken -- excuse me. Those photos were not taken by the police, correct?
A. This is correct.
Q. They were taken at the direction of a lawyer, correct?
A. Yes. This is correct. A defense attorney. Not a civil lawyer.
Q. Where were those photos taken? 6822

A. That I do remember. It's at -- it's a place in El Monte. I don't remember the name, but it's El Monte.
Q. Was it an office of a photographer?
A. No, it's actually one of those, like, one-hour photo places.
Q. Who took you there?
A. I think it was David. Yes, I think it was David.
Q. Do you know when he took you there?
A. Immediately.
Q. But didn't you testify in the deposition you didn't have these bruises immediately?
A. No. That's right. When the -- when the defense attorney had told us, then that's the time.
Q. Who went there to get their photographs taken?
A. I believe it was me and David. And then I think Gavin was -- the boys were with us. I think so.
Q. And were you doing this all at the direction of David?
A. No. I was doing it in the direction of the defense attorney.
Q. And what was this defense attorney's name?
A. Mr. Fountain.
Q. The prosecutor asked you questions about Attorney Bill Dickerman. You first met Attorney 6823

Bill Dickerman on February 21st, 2003, correct?
A. Incorrect. I remember the date. It was
February 25th.
Q. Did you ever tell anyone that you met with
Bill Dickerman on February 21st?
A. No.
Q. Have you ever discussed with Bill Dickerman
the date you first met him?
A. No.
Q. Are you aware of Gavin telephoning Jay Leno
at any time?
A. No.
Q. Never heard anything about that?
A. No. I've heard now.
Q. Did Gavin ever tell you, "I tried to reach
Jay Leno"?
A. No.
Q. Were you ever standing in the background
during a phone call that Gavin made to Jay Leno?
A. No.
Q. Have you ever spoken to Jay Leno?
A. I've never spoken to Jay Leno.
MR. MESEREAU: If I may just take one
second, Your Honor, I'll be ready to wrap this up.
THE COURT: Yes.
Q. BY MR. MESEREAU: Were you aware of Gavin
making any attempt to contact celebrities by phone?
A. No. 6824

Q. To your knowledge, did Gavin ever try to contact any celebrity from your home?
A. No.
Q. Did you ever contact any celebrity from your home?
A. No.
Q. Did you attempt to contact any celebrities at any time?
A. No.
MR. MESEREAU: No further questions.

FURTHER REDIRECT EXAMINATION
BY MR. ZONEN:
Q. Ms. Arvizo, did you earlier testify that you had contacted George Lopez when your son became ill?
A. Yes.
Q. All right. Did you contact any other people when your son became ill to notify them that he was ill?
A. I think I contacted Jamie Masada, Louise. These are all previous people that I had already known before Gavin had become ill. And that's it. That's the best I can remember.
Q. When did you first learn that Gavin had been injured in the altercation at J.C. Penney's?
A. Okay. My parents had came and picked up the children from the parking lot, because the officer did not want to take them to the police station. 6825

And so it was my mom who called me up and told me that -- that she's tried everything, everything, first aid, and that was still not enough for the kids to feel better.
Q. You say she called you up. Where did she call you?
A. She called me -- at that time I had a cell phone.
Q. But where were you at the time? At what time was this?
A. I was staying in the place that we were staying in.
Q. Okay. I'm asking you when. So had you already been arrested and released from jail?
A. Yes.
Q. And had you already gone to the hospital?
A. Yes.
Q. For your own injuries?
A. Yes.
Q. So at the time that you were being arrested at J.C. Penney's in the parking lot, were you aware that Gavin was injured at that time?
A. I had seen them, the way they had hit both the boys, but I figured my mom, you know, could do what she always does, and in first aid, just like when they fall or scrape or anything, that she can tend to them. So that's what I figured. I didn't think it was beyond what my mother could care for. 6826

But my mom made me aware that it was beyond her capability.
Q. Did you know at the time that you were arrested that your son Gavin had a broken elbow?
A. No, I didn't.
Q. Did you know at the time that you were arrested that you had a broken bone in your hand or wrist?
A. No, I didn't.
MR. ZONEN: Thank you. I have no further questions.
THE COURT: All right. We'll take our morning break.
(Recess taken.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 6773 through 6827 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 19, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, April 19, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, APRIL 19, 2005

8:30 A.M.

(PAGES 6829 THROUGH 6988)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 6829

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
ALVAREZ, Victor M.	6835-Z	6839-M	6847-Z (Re-called)	
VENTURA, Maria A.	6851-Z			
CALDWELL, William F.	6869-Z	6878-SA	6884-Z	
FORNEY, Rod	6893-Z	6897-SA		
DAVY, Michael	6902-SN	6921-M		
WILLIAMS, Janet	6948-SN	6973-SA		

1 E X H I B I T S
2 FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
3
4 590-A Book "Bob and Rod" by Tom Bianchi 6952 6954
5 590-B Book "Before the Hand of Man"
6 By Roy Dean 6952 6954
7 590-C Book "Room to Play" by Simen Johan 6952 6954
8 590-D Book "Naked as a Jay Byrd" by
9 Dian Hanson 6952 6964
10 591 Solaire Universelle Day Nudisme Volume 11 6955 6956
11 592 Nudist - March 1935 6957 6959
12 593 American Sunbather, May 1961 6957 6959
13 594 Nudist, February 1935 6957 6959
14 595 The Nudist, May 1935 6957 6959
15 596 Book "Man, A Sexual Study of
16 Man," Text by Larry Stevens 6959 6961
17 597 Book "The Golden Age of Neglect" by Ed Templeton 6959 6961
18 598 The Nudist, June/July 1935 6962 6964
19 599 Book "Taormina Wilhelm
20 VonGloeden" 6959 6961
21 600 The Nudist, August 1935 6962 6964
22 601 Sunshine and Health, The Nudist, May 1937 6962 6964
23 602 The Nudist, February 1936 6962 6964
24 603 The Nudist, June 1936 6962 6964
25 604 The Nudist, August 1936 6962 6964
26 605 The Nudist, October 1936 6962 6964
27 606 Sunshine and Health, The
28 Nudist, April 1937 6962 6964 6832

1 E X H I B I T S (Continued)
2 FOR IN
PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
3 607 Sunshine and Health, The
4 Nudist, December 1937 6962 6964
5 608 Sunshine and Health, The Nudist, October 1937 6962 6964
6 609 Sunshine and Health, The
7 Nudist, February 1937 6962 6964
8 610 Sunshine and Health, The Nudist, January 1937 6962 6964
9 611 Sunshine and Health, The
10 Nudist, December 1937 6962 6964
11 612 Sunshine and Health, The Nudist, September 1938 6962 6964
12 613 Sunshine and Health, The
13 Nudist, July 1939 6962 6964
14 614 Eden Quarterly, Issue 7 6964 6969
15 615 Sunshine and Health, The Nudist, November 1937 6964 6969
16 616 Sunshine and Health, The
17 Nudist, November 1937 6964 6969
18 617 Sunshine and Health, The Nudist, February 1938 6964 6969
19 618 Sunshine and Health, The
20 Nudist, March 1938 6964 6969
21 619 Sunshine and Health, The Nudist, September 1937 6964 6969
22 620 Eden Quarterly, Issue 8 6969 6972
23 621 Sunshine and Health, The
24 Nudist, June 1937 6969 6972
25 822 "The Art of Dave Nestler, Wicked Intentions" 6836 6849
26 823 VHS Tape, Item 811 6839
27 824 VHS Tape, Item 812 6839
28 6833

1 E X H I B I T S
2 FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
3
4 825 VHS Tape, Item 815 6839
5 826 VHS Tape, Item 816 6839
6 827 Audio cassette tape, MJ 6876
7 828 Audio cassette tape, Michael Jackson 6876
8 829 Mini video cassette tape
9 Arvizo Move 6877
10 831 Photo of cabinet with TV, VCR, audio and VHS tapes 6874 6878
11 832 Photo of audio tapes blown up 6874 6878
12 833 Photo of VHS tapes blown up 6874 6878
13 834 Evidence bag containing
14 Exhibits 592 through 595 6957 6959
15 835 Evidence bag containing Exhibits 598 and 600 through
16 613 6962
17 836 Evidence bag containing Exhibits 614 through 619 6964 6969
18 837 Evidence bag containing
19 Exhibits 620 and 621 6969 6972
20 838 Evidence bag containing book "Poo-Chi" 6971 6972
21
22
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28 6834

THE COURT: Any further questions, Mr. Mesereau?
MR. MESEREAU: No, Your Honor.
THE COURT: Call your next witness.
MR. ZONEN: Thank you, Your Honor. We'll call Detective Vic Alvarez to the stand, please.
THE COURT: Come forward, please. When you get to the witness stand, remain standing. Face the clerk over here, and raise your right hand.

VICTOR M. ALVAREZ
Having been sworn, testified as follows:

THE WITNESS: Yes.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Victor M. Alvarez; A-l-v-a-r-e-z.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. ZONEN:
Q. Detective Alvarez, you've previously testified in these proceedings, have you not?
A. Yes.
Q. And identified yourself as a detective with the Santa Barbara County Sheriff's Office? 6835

A. Yes.
Q. You're going to be testifying to a number of different items this morning, although fairly rapidly. Is that your understanding?
A. Yes.
Q. Now, the last time that you were on the witness stand testifying, or perhaps one of the last few times you were on the witness stand testifying, you were testifying to some items that you had personally seized from Neverland Ranch during the course of that search back in November of '02; is that correct?
A. Yes.
Q. November 18, '02, am I right?
A. '03.
Q. I'm sorry --
A. It would be '03.
Q. I'm sorry, '03. Okay. November 18 of '03. Exactly.
At the time of your testimony, you had -- one particular item had fallen out of a bag and was not present in court at the time it was presented to you. Is that your recollection?
A. Yes.
Q. I'd like to show you Court Exhibit 822. Court Exhibit 822, and specifically -- occupational hazard here -- specifically Sheriff's No. 304-B. Would you take a look at this item and tell us if 6836

you recognize that item?
A. Yes.
Q. Is that an item that you seized?
A. That's correct.
Q. Is that the item that fell out of the bag?
A. Yes.
Q. Okay. And just describe it for us, please.
A. It is a -- appears to be a paperback. It is titled, "The Art of Dave Nestler," N-e-s-t-l-e-r.
Q. Was that taken to another detective who then booked it into evidence?
A. The title is "Wicked Intentions" and -- yes.
Q. I'm sorry, there were two questions. The title of the magazine again was what, please?
A. "Wicked Intentions."
Q. And that magazine was then booked in by whom?
A. I believe it was Detective Padilla.
MR. ZONEN: Okay. I would move to introduce that item into evidence at this time, Your Honor.
MR. SANGER: I need to cross-examine on that, if I may, please, before the Court rules.
THE COURT: All right.
MR. SANGER: Thank you.
THE COURT: I'll withhold ruling on that.
MR. ZONEN: Okay. I'll proceed with other exhibits, if I may.
Q. Detective Alvarez, did you have an 6837

opportunity to review a number of VHS videos and compare them as against a number of DVDs?
A. Yes.
Q. All right. I would like to show you each of the DVDs and each of the videos and ask you if, in fact, they are duplicate copies of one another, if I may.
A. Sure.
MR. ZONEN: May I approach the witness?
THE COURT: Yes.
Q. BY MR. ZONEN: Let me begin with four court exhibits, and the four court exhibits are No. 815, a DVD; 816, a DVD; 817, a DVD; and 818, a DVD. Have you seen those four previously?
A. I have.
Q. And can you tell us if you viewed the contents of those four?
A. I have.
Q. And what is the subject matter of those four DVDs?
A. These are surveillance tapes.
Q. Is one of a residence on Soto Street?
A. One is a residence on Soto Street.
Q. And the other three?
A. Of Ramer Street. One of Jay Jackson. One of Davellin.
Q. Okay. Did you -- were you in court on Friday where some of those surveillance tapes were 6838

played?
A. Yes, I was.
Q. And are those, in fact, the same as the ones that you're currently holding?
A. They are.
Q. All right. Now, did you have an opportunity to compare them as against videotapes?
A. I did.
Q. Let me now show you exhibits for identification, please, No. 823, No. 824, No. 825 and No. 826. And could you take a moment and look at each of those four VHS videos?
A. Yes.
Q. Do those four correspond to the four DVDs you've already identified?
A. They do.
Q. Are they duplicates of them?
A. The DVDs are actual exact copies of the VHS tapes.
MR. ZONEN: Thank you. No further questions.

CROSS-EXAMINATION
BY MR. SANGER:
Q. Exhibit 822, Detective --
A. Yes. The magazine.
Q. The magazine. It's just a separate magazine? 6839

A. Yes.
Q. That's marked as 822, correct?
A. That's correct.
Q. And you've indicated that it was actually
304-B as designated by the sheriff's department.
Was that your testimony?
A. Yes. That's -- it came from Item 304, the
original item, and this is -- this was found with
Item No. 304.
Q. Okay. So really it was not booked into
sheriff's department evidence as 304-B, was it?
A. I believe it was.
Q. Okay. On your booking form, your sheriff's
department booking form, the one that was filled out
by Detective Padilla --
A. Correct.
Q. -- that would be the form that he used to
designate by number the various items that were
seized; is that correct?
A. Yes.
Q. And he indicated that the contents of that
one bag were 304?
A. Right.
Q. All right. He did not designate it 304-A
or B, correct?
A. Not at that time.
Q. Okay. Now, I think you've told us -- and I
don't want to be redundant, but I think I asked you 6840

about your training and experience when you were on the stand previously --
A. Correct.
Q. -- is that correct?
And I don't know if I went into detail, but let me ask quickly, if I can, you were trained at a police academy; is that right?
A. Yes.
Q. Which police academy?
A. Allan Hancock.
Q. Allan Hancock, all right. That's a POST Academy?
A. That's right.
Q. And you have also had inservice training; is that correct?
A. Yes.
Q. And you were also a bailiff in Department 9, or whatever number it was over the years, Judge Lodge's department down in Santa Barbara; is that correct?
A. Yes.
Q. So you had an occasion to see how evidence was handled in court, correct?
A. Correct.
Q. And you had an occasion to see countless witnesses, police officers, detectives, cross-examined with regard to the chain of custody; is that right? 6841

A. Correct.
Q. And in your training and experience, both your POST Academy training and your inservice training and your experience as a police officer or a sheriff, you're aware that chain of custody is important; is that correct?
A. Correct.
Q. And when an item is seized originally by your department, specifically the sheriff's department, it is given a sheriff's booking number, correct?
A. Correct.
Q. And it's put usually into an evidence bag, assuming it's the kind of object that can be put into a bag; is that correct?
A. Yes.
Q. That bag is sealed; is that right?
A. Correct.
Q. And the idea is to come into court and open the bag, and say, "Sure enough, here's the same contents that were put into that bag originally," right?
A. Yes.
Q. You would agree that it is not a proper police practice to lose an item from a bag; is that right?
A. This wasn't lost.
Q. Okay. It wasn't here when the item was in 6842

front of the jury when you testified originally, was it?
A. No, it wasn't.
Q. It fell out of the bag?
A. It was in the box.
Q. Okay. Fell out the bag, right?
A. Yes.
MR. ZONEN: Objection; argumentative.
THE COURT: Overruled. Next question.
Q. BY MR. SANGER: And you would agree it's not a proper police practice to have things fall out of the bag before you're standing in front of the jury or sitting in front of the jury and introducing the contents of the bag, correct?
A. Whether it's proper or not, I -- I don't know, but it happened.
Q. When do you believe that somebody gave this item the designation of 304-B?
A. Originally what happened was at the initial search of Neverland Ranch, all these items were put -- for example, 304, there were more than one item. Later on, as these items were opened, they were given As, Bs and Cs, depending on what was searched and what was found.
Q. Okay. Detective Padilla gave it the number 304, correct?
A. As a group, yes.
Q. Who gave it -- to your knowledge, do you 6843

know who actually gave it a designation 304-B?
A. I'd say it was Detective -- or Sergeant Bonner.
Q. All right. So you were not -- you did not give it the number 304-B; is that correct?
A. I did not. I gave it the original number, 304.
Q. Did you ever see that item between the time you handed it to Detective Padilla and the time that you found it was in the box?
A. Yes.
Q. When did you see it?
A. When Sergeant Bonner was itemizing the items.
Q. So you saw him --
A. This is not the second time I have seen this.
Q. You saw it when Sergeant Bonner actually gave it a designation 304-B?
A. That's correct.
Q. And then your understanding was it was supposed to be put back in the bag, 304, right, to preserve the chain of custody?
A. Either in 304 or designated as 304-B in its own container.
Q. In any event, when you took the stand, 304, the bag that you thought contained 304-A and B, only contained A and not B; is that correct? 6844

A. Correct.
Q. Now, this particular item, which you told us is “The Art of Dave Nestler,” is that a book of art by that particular individual?
A. Yes.
Q. All right. And that is an item that, to your knowledge, is legal for an adult to purchase commercially, correct?
A. Yes.
Q. I’m not talking about copyrights. What I’m talking about --
A. Yes, yes.
Q. -- it’s something that somebody could buy. If they can find it in a store, right, an adult can buy it? There’s nothing illegal about that, right?
A. Yes.
Q. And there’s nothing illegal about an adult possessing that?
A. I don’t think so.
Q. All right. Thank you.
Now, let me just ask you, the second part of your testimony pertained to these videos, and you have related the videos to the DVDs. The actual --
A. Or the DVDs to the video. Either way, yes.
Q. Okay. Am I missing something there?
A. The DVDs are made from the original videos.
Q. You said you related them. That was my word. 6845

A. Yes.
Q. Okay. On the stand you said these DVDs were taken from these videos, right? That's, in essence, what you're saying?
A. Yes.
Q. There we go. And in that regard, the videos -- your understanding is that these video were located in Bradley Miller's office; is that correct?
A. Correct.
Q. And Bradley Miller is a private investigator that worked for Mark Geragos, correct?
A. Correct.
MR. ZONEN: Objection; speculative.
THE COURT: Overruled. The answer is, "Correct."
MR. ZONEN: Lack of foundation.
THE COURT: Proceed.
MR. SANGER: Thank you.
Q. The -- you've looked at the videos, correct?
A. I have.
Q. And they appear to be surveillance films of some sort, correct?
A. Yes.
Q. They appear to be taken from a public place, a place where a person would lawfully be, a street or sidewalk; is that correct?
A. Yes. 6846

Q. And that is consistent with what private investigators do from time to time, correct?
A. I'm not a private investigator.
Q. No, sir. But you've seen private investigators' surveillance videos before, have you not?
A. I have.
Q. And sometimes private investigators, for whatever reason, do surveillance videos, correct?
A. Yes.
MR. SANGER: All right. Thank you. I have no further questions.

REDIRECT EXAMINATION
BY MR. ZONEN:
Q. The magazine that's in front of you, I think it's right below your hands at the moment.
A. Yes.
Q. What is the Court number again on that? The one that we've identified as 304-B, sheriff's number?
A. 822. Exhibit 822.
Q. Where in Neverland did you find that particular exhibit?
A. This was in --
MR. SANGER: I'm going to object. That's beyond the scope of direct, actually.
MR. ZONEN: Then I would move to reopen on 6847

that question if that's the case.
THE COURT: It is the case. I'll allow you
to reopen.
MR. ZONEN: Thank you.
Q. Where exactly was it that you found that?
A. This was along with Item 304.
Q. Yes.
A. And it was in the master bedroom downstairs
bathroom, next to the sink area by the tub. There's
a sink. There's a tub. It was in the middle there.
Q. Was it something that was contained in a
drawer or in a suitcase or in any kind of a closed
container?
A. I believe it was out in the open.
Q. It was in the open at the time?
Now, you said the magazine wasn't lost, it
was in the box. Tell us what you mean by that.
A. As we brought the exhibits into the
courtroom, it was actually placed in one of the
boxes that we carried it in. So it just --
Q. And what happened with the magazine?
A. It was in the box and wasn't presented in
court.
Q. Okay. Fell out of the -- what was it
originally contained in within the box?
A. If it's labeled 304-B, then it was in
plastic and must have just fell out of the plastic.
Q. And did you then retrieve it from the box? 6848

A. I did.
MR. ZONEN: Thank you. No further questions.
MR. SANGER: No further questions, Your Honor.
THE COURT: You may step down.
MR. ZONEN: As to Exhibit No. 822, we would move that into evidence at this time.
MR. SANGER: I'll submit it.
THE COURT: It's admitted.
MR. ZONEN: And we'll call Maria Ventura to the stand.
THE COURT: She's on her way.
Counsel, the in-camera hearing that was requested, I think we'll conduct that at about ten minutes before the next break. I think ten minutes is a sufficient amount of time for that in-camera hearing. So that will extend the jurors' lunch by ten minutes and shorten yours by every minute you take over ten.
(Laughter.)
MR. SNEDDON: Why are you looking at me, Judge? I have a guilty conscience maybe.
THE COURT: You must have a guilty conscience.
MR. SANGER: Your Honor, could you give us a little more --
THE COURT: Mr. Mesereau knows. 6849

MR. MESEREAU: Oh, oh, oh. I know what it is.
THE COURT: Come forward, please. When you get to the witness stand, please remain standing. Face the clerk here and raise your right hand.

MARIA A. VENTURA
Having been sworn, testified as follows:

THE WITNESS: Yes.
THE CLERK: Please be seated. State and spell your name for the record.
THE COURT: For the attorneys' information, we have two interpreters. I've given them permission to switch off as they need a break. They know when they need to, and so they may do that while you're questioning the witness.
MR. ZONEN: Thank you.
May I proceed?
THE COURT: Yes.
THE WITNESS: Maria A. Ventura.
THE INTERPRETER: May the interpreter spell?
Ventura is spelled V-e-n-t-u-r-a.
MR. ZONEN: Thank you.
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// 6850

1 DIRECT EXAMINATION
2 BY MR. ZONEN:
3 Q. Miss Ventura, are you the mother of Janet
4 Arvizo?
5 A. Yes, sir.
6 Q. Do you have other children as well?
7 A. Yes.
8 Q. Does Janet Arvizo have children?
9 A. Yes.
10 Q. And how many children does she have?
11 A. Three.
12 Q. All right. These are the three children
13 from her marriage with David Arvizo?
14 A. Yes, sir.
15 Q. Does she have a child also with her marriage
16 to Jay Jackson?
17 A. Yes.
18 Q. And that child is how old?
19 A. The little one?
20 Q. Yes, the little one.
21 A. Eight months.
22 Q. Okay. Now, the three older children, the
23 children who are the children of Janet and David
24 Arvizo --
25 A. Yes, sir.
26 Q. -- are their names Davellin, Star and Gavin?
27 A. Yes.
28 Q. And those three are your grandchildren? 6851

A. Yes.
Q. Do you talk with those three children on a regular basis?
A. Well, they're my kids.
Q. Does that mean yes, you do?
A. Yes.
Q. All right. And do the children speak enough Spanish that they're able to communicate effectively with you?
A. Yes.
Q. I'd like to direct your attention back to the early --
A. You can speak louder, because I can't hear. I can't hear.
Q. I would like to direct your attention back to the early part of 2003, January and February of 2003.
A. That's fine.
MR. AUCHINCLOSS: It's not you. It's the interpreter.
MR. ZONEN: I was wondering why --
THE WITNESS: What did you say?
MR. ZONEN: That's what happens when trials go on long enough.
Q. Miss Ventura, can you hear me now?
A. Yes, I do. It was for her.
Q. I understand.
(Laughter.) 6852

Q. I would like to direct your attention back to the early part of 2003.
A. That's fine.
Q. Were you aware as to where your daughter and her three children were visiting during that period of time?
A. Yes.
Q. And where was that?
A. Neverland. I can't say it very well, but there, Neverland.
Q. Is Neverland a place where you had once visited?
A. Never.
Q. Did you know what Neverland was prior to that time of January and February and March of 2003?
A. No.
Q. Did you know who Michael Jackson was prior to February of 2003?
A. No.
Q. Do you know who Michael Jackson is today?
A. We all know, because you see it on T.V.
Q. All right. Now, did you ever see a documentary on television that was titled "Living with Michael Jackson"?
A. No.
Q. Did you ever see anything on T.V. that featured your grandchildren, where your grandchildren were shown on television? 6853

A. No. I only see parts of it in the Mexican channel, because those are the channels I watch.
Q. Did you ever see any shots at all of your grandchildren on television?
A. Lately, just little clips, short little clips on 52 and 34.
Q. Did you become aware of the fact that your grandchildren had been featured on television in a documentary?
A. No.
Q. At some point in time, did you have a number of reporters or press who came to your home?
A. Oh, yes. My door, my mailbox. They opened my mailbox.
THE INTERPRETER: Okay, okay.
(Laughter.)
THE WITNESS: They even opened my mailbox. They yelled at me. I even had to call the police several times. They parked everywhere. The worst ones were the 52, Channel 52. The light was so bright they seemed like a soccer field. The police came and told them to take that away. And that reporter, she said no, because she had to do a report. Another police officer came and he did make them to turn it off, and then they -- six o'clock p.m., they turned it on again.
Q. BY MR. ZONEN: Do you know what it was that caused all of these reporters to come to your home? 6854

A. Yes.
Q. What was it?
A. The participation of that man, the involvement of that man.
Q. All right. Did you --
A. They wanted to find out what I knew from new talk, but I didn't know anything. I found out later when I watched all those reports, all those newscasts, everything.
Q. At some point in time, did your children come to your home from Neverland?
A. Yes.
Q. Did you do something to facilitate their coming to your home, to cause them to come to your home?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
THE WITNESS: I had to lie and say that I was ill so that they could come.
Q. BY MR. ZONEN: Who did you --
A. Because those children love me very much, because I raised them.
Q. Okay. The children specifically, who was it who you told that you were sick?
A. The truth is I don't remember. The one thing I know is that my children called me.
MR. MESEREAU: Objection; nonresponsive.
THE COURT: Sustained. 6855

Q. BY MR. ZONEN: Was it --
MR. MESEREAU: Move to strike.
MR. ZONEN: I'm sorry?
MR. MESEREAU: Move to strike.
THE COURT: It wasn't stated, so it doesn't need to be stricken.
Q. BY MR. ZONEN: Was it one of your grandchildren who called you?
A. Yes.
Q. Do you remember which of the three?
A. No.
Q. Do you remember if it was one of the boys as opposed to Davellin?
A. Yes. Yes. I don't remember if it was Gavin or Star.
Q. Did you tell that grandchild that you were sick?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
THE INTERPRETER: I'm sorry, Your Honor.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes.
Q. BY MR. ZONEN: Why did you do that?
A. So that they could come.
Q. Okay. Were you, in fact, sick at the time?
A. No. Well, no. Well, yes, actually, because I do have arthritis and thyroid problems and things. 6856

Q. All right.
A. High cholesterol. I mean, I can make you a longer list.
(Laughter.)
Q. It's not necessary.
Did they, in fact, come, the three children?
A. Yes.
Q. Do you know if it was the same day or at a subsequent time, at a later time?
A. They called me in the afternoon. Later in the afternoon they called me and they said, "Mom" --
MR. MESEREAU: Objection; hearsay.
THE COURT: Overruled.
You may complete your answer.
THE WITNESS: They call me "mom," because they do call me "mom," so they asked me if I was sick. And I said yes, because I was -- I was desperate and I was anguished because I hadn't seen them, and I would get a heart attack from not seeing them.
Q. BY MR. ZONEN: And did they arrive that day or soon thereafter?
A. The following day, I believe, is when they came.
Q. All right. Do you know who it was who delivered them to the house?
A. No. Because my house is like this, the entrance is right here, so they had to walk. 6857

1 Q. All right. Did they come into the home, the
2 three children?
3 A. Yes.
4 Q. This is your El Monte home, the home in El
5 Monte?
6 A. Yes. My house.
7 Q. The person who -- how long have you lived in
8 that house?
9 A. 36 years.
10 Q. And your husband --
11 A. Approximately. More or less.
12 Q. Your husband's name is what, please?
13 A. David.
14 Q. And David has been married to you for how
15 many years?
16 A. He's been my only boyfriend and my only
17 husband and he's still with me.
18 Q. How old were you when you met him?
19 A. 20. 20.
20 Q. And David does what kind of work?
21 A. He's a trucker.
22 Q. And he has worked in that capacity for how
23 long?
24 A. His whole life, since I met him.
25 Q. Is he still working?
26 A. Yes.
27 Q. And he's still a trucker?
28 A. Yes. 6858

Q. For which company does he work?
A. I'm not -- I'm going to say it, but I don't know if it's right. Ralph's?
Q. A grocery store chain?
A. Yes, the markets.
Q. All right. Going back to when the three children arrived at your house, did you see the person who drove them to the house?
A. No.
Q. Did that person walk them to the door?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: Why are you saying that?
Q. BY MR. ZONEN: Did that person --
A. No, I'm saying him. Why does he say to wait? Is it --
Q. Because he can.
(Laughter.)
THE WITNESS: I'm sorry.
THE COURT: Okay.
MR. ZONEN: Let me change the question.
Q. Did you see at any time the person or persons who delivered your three children to your home?
MR. MESEREAU: Objection; asked and answered.
THE COURT: Sustained. 6859

Q. BY MR. ZONEN: Do you know who the person was who delivered the children to the house?
A. Miguel's people.
Q. Is "Miguel" Michael Jackson?
A. Yes. It's "Miguel" in Spanish.
Q. Thank you.
Miss Ventura, when your children came into the house, was your daughter Janet and her then boyfriend Jay at your home at the time that the three grandchildren arrived?
A. No. I received them by myself.
Q. At some time later that day or at another day, did Janet and Jay arrive at your home?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, they came later.
Q. BY MR. ZONEN: Was it the same day or a different day?
A. Yes. The same day.
Q. The same day. All right. Would you describe for us how the children were behaving at the time that they arrived from Neverland?
A. Those children that came were not my grandkids.
Q. Explain that to us, please.
A. The -- their entire life, my grandkids and I were very close. Their happiness, their sadness, 6860

their games, all of that. I was always very important for all three of them.
When they came back, they didn't talk to me the same way. They were different kids. And -- and even up till now Gavin is not the same child.
MR. MESEREAU: Objection. Nonresponsive; move to strike.
THE COURT: Overruled.
Q. BY MR. ZONEN: After the three children returned from Neverland to your home, did you receive any phone calls at your home?
A. Many. Many, many. Day and night. I had a red telephone, and it had a square like that. And in that little square sometimes it said "Neverland," and some other time "Frank," or I don't know. And the voice would say, "Gavin, Star, Davellin, somebody answer."
MR. MESEREAU: Objection; nonresponsive.
THE COURT: Excuse me. Sustained.
Q. BY MR. ZONEN: Could you actually hear messages being left on your phone?
A. Yes.
Q. Were there -- was -- were there voices on the messages asking for your grandchildren?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
Just a moment.
THE WITNESS: Yes. 6861

THE COURT: Have you offered her some water?
I'm --
Yourself too, if you --
THE INTERPRETER: I have my bottle. Thank
you.
THE COURT: Go ahead.
Q. BY MR. ZONEN: Could you tell if it was one
voice or more than one voice leaving messages on the
phone?
A. Sometimes it said on there "Neverland."
Q. Okay.
A. And some other times it was that Frank.
What really hurts me is that my
granddaughter erased it. Otherwise -- she always
liked to -- well, one of the phones broke down, and
she tried to make, out of two phones, make one.
MR. MESEREAU: Objection; nonresponsive.
THE COURT: Sustained.
MR. ZONEN: All right. The latter part of
the answer, Your Honor, you're referring to?
THE COURT: We'll leave the first two
sentences in.
Q. BY MR. ZONEN: You told us what you were
able to see on the screen on the phone, and you told
us you were also able to hear a voice.
A. Yes.
Q. Is that your --
A. Yes. The phone had a little square, and 6862

then you could hear the person talk.
Q. All right.
A. And I never allowed the kids to pick up the phone because I was always watching out for that. You know, I would also get calls very late at night, maybe thinking that I was asleep. But ever since that time when they came, when they were no longer the same kids, I couldn't sleep anymore because I was always watching out for that phone.
Q. Let me ask you some questions about the messages. Were the messages always left in English?
A. Yes.
Q. Were you able to understand the messages?
A. No. What I understood is as soon as I saw "Neverland" --
MR. MESEREAU: Objection; nonresponsive.
THE COURT: Sustained.
Q. BY MR. ZONEN: What were you able to understand of the messages?
MR. MESEREAU: Objection; hearsay.
MR. ZONEN: It's not for the truth of the matter.
THE COURT: I'll allow the question.
THE WITNESS: What I understood is that it said "Neverland" and that they were calling my grandkids. That's what I understood.
Q. BY MR. ZONEN: You were able to hear the

1 names of the kids being called?
2 A. Yes.
3 Q. All right. Could you tell if it was the
4 same voice each time or if it was a different voice?
5 A. The same one.
6 Q. Give us a sense of how many times this
7 person called.
8 MR. MESEREAU: Objection; foundation.
9 THE COURT: Overruled.
10 You may answer.
11 THE WITNESS: The number of times I can't
12 tell you, but I know that it was very often.
13 Q. BY MR. ZONEN: Over what period of time did
14 the calls continue? In other words, was it over
15 days, over weeks, or months? How would describe the
16 length of time that the calls continued?
17 A. A long time. I couldn't tell you days or
18 whatever, because I just -- I didn't keep track of
19 days, hours. And I watched my grandkids until my
20 daughter took them, took the boys. And Davellin
21 stayed with me.
22 Q. Did you ever become aware of the fact that
23 there were people watching you?
24 MR. MESEREAU: Objection; leading.
25 THE COURT: Overruled.
26 THE WITNESS: All around my house there was
27 a lot of cars. There was a lot of people.
28 Q. BY MR. ZONEN: Did anybody ever come to the 6864

door and attempt to contact you or the children?
A. Many people came to the door of my house.
Cameras. I was -- I was hiding. I was almost like
a prisoner. I had to hide. I couldn't even stick
my face out like that, because everybody would just
come on, come on over.
Q. Within a week or two after your
grandchildren returned to your home, did anybody
come to the door, knock on the door, and inquire
about the children?
A. Yes. All the time. All the time.
Q. Anybody throw stones at your house?
A. Yes. Once. I'm speaking slow so that you
can be talking.
I was sitting down watching the soap operas,
because I'm always watching my soap operas. That
T.V. I have in the dining room. Davellin sleeps --
or used to sleep in the bedroom that goes out --
that's out to the street. But sitting like this,
here's the dining room and there was her bedroom.
But I was sitting down when I heard,
"bbrrr," something like that.
MR. ZONEN: (To the interpreter) That was
well done.
(Laughter.)
THE WITNESS: But I thought to myself, well,
it must be the kids just out in the street. But,
no, then again, and again. And then by the third 6865

time is when I stood up --
MR. MESEREAU: Objection. Nonresponsive and narrative.
THE COURT: Narrative; sustained.
Q. BY MR. ZONEN: What did you then do?
A. I stood up and I walked around. And Davellin just rushed out of the bedroom, and she asked me, “Mama” -- “Mom, did you hear that?”
So I told her, “Yes, somebody’s throwing rocks at the house.”
We both went up to the door. And when we went out like that, we saw a man standing next to the car. It was a small car. I don’t know if it was black or blue, because it was getting late.
MR. MESEREAU: Objection. Narrative; nonresponsive.
THE COURT: Sustained.
Q. BY MR. ZONEN: After you saw the vehicle, did you see the person near the vehicle?
A. Yes.
Q. Could you --
A. Right at the time that my granddaughter and I went out, we turned like that, because right at the time, a rock was coming on its way, and it hit right on the window of Davellin’s bedroom.
Q. While you were standing watching?
A. Yes. Right at the time that we went out, like that. 6866

MR. MESEREAU: Objection. Narrative;
nonresponsive.
THE COURT: Sustained.
MR. ZONEN: Perhaps we could get the
translation of the last -- I don't know if the
interpreter translated the last statement.
THE COURT: Well, I sustained the objection,
narrative, so --
MR. ZONEN: Let me back you up a couple
steps.
Q. You actually saw somebody throw a stone?
A. Yes.
Q. Was it the person standing next to the car?
A. Yes.
Q. Can you describe that person for us, as best
you can?
A. I know that it was a man that was standing
there, and he had a cap. Right at the time that we
saw the man, Davellin and I, I told Davellin, "Call
the police."
MR. MESEREAU: Objection, Your Honor.
Narrative.
THE COURT: Sustained as to the last
sentence.
Q. BY MR. ZONEN: Were you standing with
Davellin at the time you saw the stone being thrown?
A. When he threw -- when he threw the last rock
that I saw that hit Davellin's bedroom window, we 6867

were both standing there.
Q. Did you then contact law enforcement?
A. That's when I told Davellin to run and call the police.
Q. Did you --
A. And so that man very quickly got in the car and took off.
Q. And did you, in fact, call the police?
A. No.
MR. ZONEN: May I have just one moment, please, Your Honor?
THE WITNESS: I don't really remember, but, yes.
MR. ZONEN: Thank you, Your Honor. I have no further questions.
MR. MESEREAU: No questions, Your Honor.
THE WITNESS: But the other day --
THE COURT: Thank you. There are no other questions. You may step down.
MR. ZONEN: I'm sorry, Your Honor, I need to call the next witness. I neglected to do that. Your Honor, we will not be needing the interpreter any further.
Who's doing this, you or Bob?
MR. MESEREAU: Bob.
THE COURT: Counsel, maybe you'd like to take this moment to explain the scheduling issue that you were going to raise while we're waiting for the 6868

witness.
MR. SNEDDON: Approach the bench?
THE COURT: No, it's all right. You can just tell us. Go ahead and tell us. I mean, it's not a private matter.
MR. SNEDDON: I think it is, because it involves some evidentiary issues.
BAILIFF CORTEZ: Your microphone, sir.
THE COURT: All right. Approach the bench.
(Discussion held off the record at sidebar.)
THE COURT: Please remain standing. Face the clerk and raise your right hand.

WILLIAM F. CALDWELL
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: William F. Caldwell;
C-a-l-d-w-e-l-l.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. ZONEN:
Q. Sergeant Caldwell, your current occupation, please?
A. I'm a sergeant for the Santa Barbara 6869

Sheriff's Department.
Q. You've been in the Sheriff's Department in Santa Barbara County for how long?
A. 27 years.
Q. What is your current position?
A. I'm a detective sergeant in the Coastal Station.
Q. I'm sorry, which station?
A. Detective sergeant in the Coastal Station, Carpinteria area.
Q. You've held that particular position for how long?
A. Four years.
Q. Were you involved, among other detectives, with searches that were executed on the 18th of November, 2003?
A. Yes, sir.
Q. The area where you searched was what, please?
A. It was the office of Bradley Miller, a private investigator in Beverly Hills, California.
Q. And do you remember the address?
A. I don't. 211 South Beverly Drive, No. 108, I believe.
Q. Very good. In Beverly Hills?
A. Yes.
Q. All right. Can you tell us at approximately what time you conducted that search? 6870

A. At approximately 9:30 in the morning.
Q. And how many of you went to conduct that search?
A. Three of us.
Q. And who were they?
A. Investigator Tonello from the District Attorney's Office and Detective Forney from the sheriff's department.
Q. The three of you. And did you have any uniformed officers with you at that time?
A. Yes. Officer Roy Tinkler from the Beverly Hills Police Department.
Q. When you arrived at that location, was anybody at the office?
A. No, sir.
Q. Was the office closed and locked?
A. Yes, it was.
Q. Were you able to gain entry into the office?
A. Yes.
Q. And how were you able to do that?
A. We contacted the property manager who ran the building, and she provided a key for entrance into the outer door of the office.
Q. And did that get you through the outer door into the office?
A. Yes.
Q. Did you at some time, either prior to or after gaining entry into the outer door, make an 6871

effort to contact Brad Miller?
A. Yes.
Q. And how did you do that?
A. I previously obtained Mr. Miller's cell phone number and I tried to call it and I left a message on his voice mail on the cell phone.
Q. Were you able to get ahold of him?
A. No.
Q. Did you attempt to gain entry into the inner doors in the office?
A. Yes.
Q. How many inner doors were there?
A. A total of three.
Q. And where did they lead to?
A. One of the offices was open. The door led to a secretarial area, and then the other two doors were locked.
Q. All right. Were you able to gain entry into the two rooms that were locked?
A. Yes.
Q. How did you do that?
A. Through use of a sledgehammer.
Q. What does that mean?
A. We forcibly opened the door by pounding on the door with a sledgehammer.
Q. How were you able do that? What -- kind of give us a sense of what's involved. We've all seen it on T.V., but I don't know that we've ever -- 6872

MR. SANGER: I'm going to object.
Relevance, Your Honor.
THE COURT: Sustained.
MR. ZONEN: Sustained as to the entirety of
that question or just the comments at the end?
THE COURT: The entirety.
Q. BY MR. ZONEN: Did you gain entry into that
office?
A. Yes, sir.
Q. And what were the two rooms that you gained
entry into?
A. One of the offices was the office of Bradley
Miller, the private investigator, and the second
room was a conference room.
Q. All right. Did you seize a number of items
from that location?
A. Yes.
Q. All right. Did you have something to do
with the documentation of the items that were
seized?
A. Yes.
Q. Tell me what your role was in that.
A. My role was to complete the property form at
the scene. Detective Forney would bring me the
items, and I would number them and list the items on
a property form, and put them in bags, and number
the bags.
MR. ZONEN: Excuse me. I'm sorry. 6873

Q. I would like to show you three exhibits currently marked for identification No. 831, 832, and 833.
If I may approach the witness, Your Honor.
THE COURT: You may.
Q. BY MR. ZONEN: If you would look at those three photographs and please tell us what they are.
A. Exhibit 831 is a photograph of a cabinet with a television and VCR and a number of video and audiotapes.
Exhibit 832 is a blow-up of some audio tapes.
And Exhibit 833 is a blow-up of some VHS video cassette tapes.
Q. Now, the audiotapes and the videotapes, the VHS tapes that you can see in 832 and 833, are they also visible in 831?
A. Yes, sir.
Q. And can you describe in that photograph where they are?
A. They're located on a shelf above the VCR, which is standing on top of the television.
Q. Were items seized from that general location --
A. Yes.
Q. -- as depicted in 831?
A. Yes.
Q. And among the items that were seized, can 6874

you just describe what they were, please?
A. Videotapes and audiotapes.
Q. I'd like to now show you a series of tapes,
if I can.
If I could approach the witness with all of
them.
THE COURT: All right.
Q. BY MR. ZONEN: I would like to show you, if
I can, Exhibit No. 823, and that is Court Exhibit
823.
A. Okay.
Q. Can you tell us what this item is?
A. It's a videotape. It's entitled, "Arvizo
2-19 and 2-21." And it says, "Re MJ." And it's my
Evidence Item No. 811. It was seized from this
cabinet that I've talked about earlier.
Q. And who was it who actually seized it from
the cabinet?
A. Detective Rod Forney.
Q. Did you see it in the cabinet?
A. Yes.
Q. Court Exhibit No. 824, please. Take a look
at that, Court Exhibit No. 824, and tell us what
that is.
A. It's a VHS cassette tape. It's entitled,
"To Brad Re Arvizo." It's my evidence Item No. 812.
And it was seized from the top shelf, as indicated
in the photo. 6875

Q. No. 825, please, Court Exhibit No. 825, tell us what that is.
A. This is a VHS video cassette tape. It's entitled, "Arvizo Move, 3-5-3. MJJ." And it's my Evidence Item No. 815. And this, as well, was seized from that same location, the cabinet above the television.
Q. Showing you Item 826, please.
A. This is a VHS video cassette tape. It's entitled, "To Brad, Jeanette, March, Johnny." There's a phone number, "1-866-256-6275." And it's marked, the other side, "MJJ, Arvizo, 2003." It's my Evidence Item No. 816. And it was seized from the location as indicated, the cabinet above the television.
Q. Item 827, Court Exhibit Item 827, tell us what that is.
A. This is an audio cassette tape. It's marked "MJ" or labeled "MJ." It's my Evidence Item No. 817. And it was seized on that same shelf above the television.
Q. Court Exhibit No. 828, please tell us what that is.
A. This is an audio cassette tape. It's entitled, "Michael Jackson." It's my Evidence Item No. 818. It's also labeled on the side, "Michael Jackson," and it says, "Arvizo, ST, MT, 2-16-03." And it was seized from that same location on the 6876

shelf above the television.
Q. Item 829, please tell us what that is.
A. This is a mini video cassette tape. It's marked "Arvizo Move." It's my Evidence Item 819. And it was seized, as well, from the shelf in the television cabinet, the same location.
Q. Now, as the person who we've described previously was the scribe, what was your obligation with regards to those items?
A. My obligation was to collect them from Detective Forney, to note the location that he seized the items from, to number the items, and to log the items in on an evidence sheet and to place them in those respective bags and seal them.
Q. And did you do that as to each one of those items?
A. I did.
Q. The three photographs that I've handed you, tell us again the court exhibit number of those.
A. 831 is a photograph depicting the cabinet and the television, the VCR and the tapes on the top shelf.
Exhibit No. 832 is a blow-up or an enhancement of the audio cassette tapes.
And Court Exhibit 833 is a blow-up or enhancement of the video, VHS tapes.
Q. The content of those three photographs, are they accurately depicted in those photographs? 6877

A. Yes.
MR. ZONEN: I would move to introduce into evidence 831, 832 and 833.
MR. SANGER: No objection.
THE COURT: They're admitted.
MR. ZONEN: I have no further questions.

CROSS-EXAMINATION
BY MR. SANGER:
Q. Sergeant Caldwell.
A. Mr. Sanger.
Q. How are you?
A. Very well, sir. Thank you.
Q. Good. You've been a detective for how many years total?
A. 16 or 17 years.
Q. So 27 years in the sheriff's department, correct?
A. Yes.
Q. 16 or 17 of those as a detective, correct?
A. Yes.
Q. Four years as the detective sergeant in charge of the Carpinteria substation or what's now called the Coastal Station, correct?
A. Yes, sir.
Q. And Vic -- Victor Alvarez is a detective who works under your supervision; is that correct?
A. Yes, sir. 6878

Q. And your assignment in this case came from whom?
A. Well, initially from Lieutenant Kitzmann and Lieutenant Klapakis.
Q. All right. So the two lieutenants, Kitzmann and Klapakis, assigned you, in essence, to be a scribe on the search of Brad Miller's office; is that correct?
A. Well, they didn't make that individual assignment. I made that assignment to myself.
Q. All right. Let's put it this way: They assigned you to go do the Brad Miller search in this case; is that correct?
A. Yes, sir.
Q. Did they assign you, with your background and experience, to do anything else in this case other than the Brad Miller search?
A. Yes.
Q. What else?
A. A search of a storage locker in West Los Angeles.
Q. All right. That was related to the Brad Miller search; is that correct?
A. Yes, sir.
Q. All right. So other than the Brad Miller search and that spin-off, you were not assigned to do anything else in this investigation relating to Mr. Jackson; is that correct? 6879

A. Yes.
Q. Now, with regard to the location that you searched, you understood that to be the office of a private investigator; is that correct?
A. Yes.
Q. And you knew, before you went in, that Bradley Miller was the owner of the premises or was the person whose offices you were searching, correct?
A. Yes.
Q. And you knew Bradley Miller was, in fact, a licensed private investigator, correct?
A. I was told that, yes.
Q. And had somebody else done some background work on that and presented you with it?
A. I believe that information was contained in the search warrant affidavit, yes.
Q. All right. And at the time you searched, did you know who Bradley Miller was working for? Of your knowledge, did you know who he was working for?
A. I -- at one point I was told that he worked for Mr. Jackson.
Q. Okay. And later you found out he worked for Mr. Geragos, correct?
A. Yes.
Q. All right. Now, Mr. Geragos, at the time and currently, was a prominent lawyer in Beverly 6880

Hills; is that correct?
A. Yes.
Q. All right. And Bradley Miller had an office in Beverly Hills, correct?
A. Yes.
Q. During the course of the search, you determined that there was a connection between Mr. Geragos and Bradley Miller, correct?
A. When you say "connection" I'm not clear on the question, sir.
Q. Well, let's put it this way: In all your experience in law enforcement, you're aware that private investigators often work for lawyers, correct?
A. Yes.
Q. All right. And in the course of your doing your search, you ran across correspondence indicating that there was a connection between Mark Geragos and Bradley Miller, correct?
A. Yes.
Q. All right. Now, you mentioned that on one of the tapes there, there was a reference -- maybe more than one, but at least one of the tapes there's a reference to, quote, "Michael Jackson" --
A. Yes.
Q. -- correct?
You're familiar with the manner in which private investigators work, to a certain extent, 6881

correct?
A. To a certain extent, yes.
Q. You've never been one?
A. No, sir.
Q. All right. But you have certainly dealt with a lot of private investigators during your career, correct?
A. Yes.
Q. And a lot of your colleagues in years gone by, who retired from law enforcement, have become private investigators, correct?
A. Yes.
Q. All right. And private investigators, when they're working for a lawyer, are usually assigned to work on a particular case; is that correct?
A. Yes.
Q. And often they will give the name of their -- the client of the lawyer -- let me withdraw that.
Often the name of the lawyer's client will be the designation that they will place on their materials; is that correct?
A. My answer would be a guess. I don't know one way or the other.
Q. It's not unusual for people on either side of the -- of the matter, either a private investigator working for a defense lawyer or law enforcement, to refer to, for instance, "the Smith 6882

case," am I right?
A. That's correct.
Q. So you'd refer to matters pertaining to an investigation relating to Mr. Smith as being "the Smith matter," right?
A. Yes.
Q. Okay. That does not, in and of itself, imply that Mr. Smith had any particular control or direction over anything that --
MR. ZONEN: I would object to this as speculative and beyond the scope of this witness's expertise.
MR. SANGER: I didn't finish the question, but the Court got the gist of it, I suppose.
THE COURT: Go ahead and finish.
MR. SANGER: All right. Let me try to start it over.
Q. The fact that, for instance, hypothetically, based on your training and experience, the name "Smith" appeared on a file or a videotape, or something of that sort, would not necessarily mean that Mr. Smith had any control or direction with regard to what the private investigator is doing; is that correct?
THE COURT: I'll sustain the objection.
MR. SANGER: All right. Very well. No further questions.
// 6883

REDIRECT EXAMINATION
BY MR. ZONEN:
Q. You mentioned the presence of an affidavit.
Was that an affidavit to a search warrant?
A. Yes.
Q. And did you have that search warrant with
you?
A. I had the search warrant with me, yes, sir.
Q. And had you reviewed the affidavit prior to
the execution of the search?
A. I did.
Q. That was a search warrant authorized by a
judge in Santa Barbara County; is that correct?
A. Correct.
MR. ZONEN: No further questions.
MR. SANGER: I'm going to move to strike the
last question and answer, Your Honor, as beyond the
scope of direct and irrelevant.
THE COURT: It is beyond the scope, but I'll
allow the question.
Do you want any examination on the issue?
MR. SANGER: No, Your Honor. That's fine.
THE COURT: All right. Thank you. You may
step down.
MR. ZONEN: We'll call Detective Rod Forney
to the stand.
THE COURT: You know, we're just going to
start -- in a couple minutes we're going to start 6884

the in-camera hearing, so have the next witness
available at quarter to 12:00.
MR. ZONEN: Thank you.
THE COURT: We'll excuse you a little early
for lunch; be in a few minutes.
The nature of the hearing that we're going
to have is going to be in camera, in chambers, and
I'll have the court reporter and an attorney from
each side come back. And Mr. Jackson may attend or
may not attend, as you deem -- whatever you request,
Mr. Mesereau.
MR. MESEREAU: Okay.

(Whereupon, proceedings were held in
chambers and, having been ordered sealed by the
Court, are omitted herefrom.)

(The following proceedings were held in
open court outside the presence and hearing of the
jury:)

THE COURT: Mr. Sneddon, you had indicated
you had a scheduling issue you wanted to raise
outside the presence of the jury?
MR. SNEDDON: I do.
THE COURT: Go ahead.
MR. SNEDDON: Your Honor, there are several
issues I want to address the Court on, and some of 6885

it is going to be some good news for the Court and some of it is going to be bad news for the Court, or end up being bad news for me, one or the other. But in any case, I wanted to alert the Court to several issues.

The first one that I want to alert the Court to is, for scheduling purposes, that we believe, under our estimation, that we will probably be completing our evidence by the end of next week, so that the defense is prepared to know that that's -- we estimate we will be done by the end of next week.

The second issue involves -- I wanted to alert the Court, because I had a conversation with the attorney from Las Vegas last night, that one of the witnesses who you signed an order of transportation on, Mr. Carter, who is scheduled to be here either Thursday or Friday, that the lawyer indicated to me that he was going to invoke his Fifth Amendment rights with regard to the charges which are currently pending against him in Nevada. And that raises several issues to the Court, and to us personally, with regard to his testimony.

And I thoroughly intended to have for the Court this morning a memorandum of the issues involved. And the reason I don't is because Mr. Franklin's computer blew up, and playing around with it trying to get the two documents that I had prepared and should have been here this morning and 6886

filed by 8:30 didn't -- aren't done yet. And my
last estimate is they're working on the computer to
free up the stuff that's in there. I don't
understand it, but a 15-year-old teenager probably
does.
So in any case, those were issues I wanted
to bring to the Court's attention that are issues
before Mr. Carter testifies. And that's why I had
the order changed from Thursday to Friday.
In addition to that, there are several
outstanding issues that we're going to ask -- one of
the other things that we were going to file at 8:30
this morning was to calendar with the clerk a
hearing, like we did on the 1108, that it's now
time, since Mrs. Arvizo has testified, to revisit
the issues the Court postponed on the testimony of
the domestic violence expert that we filed briefs on
and counsel for the defendant filed briefs on.
And so before we can go forward on that
front, we need to get some rulings from the Court on
that, as well as, the Court knows, the issue that I
filed and you asked that counsel for the defense did
a brief yesterday on Mr. Abdool.
So that's a long way of saying that the good
news is, I believe that we're about to the point
where we can close off our case next week.
The bad news, which I was saving for last,
is I don't think we have enough witnesses to 6887

complete this week. And I'm very concerned about our ability to bring anybody in on Friday particularly. And the reason for that is that a lot of the witnesses that are on for next week are people who are coming from -- involve telephone records and things of that nature, which we had to give advance warning and are not local people. And we had to line it up in terms of their transportation and in terms of their ability to stay in order to try not to spend extra money having people fly and cancel trips and pay penalties on flights and stuff like that.
And we believe that we can put all of those people on on Tuesday. We'll have witnesses on Monday. But I believe that -- that also, like I said, we can't go forward on some of these until we get some rulings.
And the last thing is that we want to look at those disks, because that could impact what we do in the future. And not having had an opportunity to look at those and it's not simply something that we can simply turn over to investigators and say, "Look at these things," I think we, as the lawyers involved in the case, are going to need an opportunity to do that.
So I guess what I'm telling the Court is that -- that we will be able to go forward as the Court has asked us to in the past, and that's 6888

consecutively with witnesses, but I believe on Friday that we will have a very difficult time rustling up anybody for that date. We did not anticipate certain things that have happened in this courtroom today or yesterday, and so that's where we are. And that's the status on everything.

And as you know, we've only -- one time since we started our case did we finish early. So I think we've followed the spirit, if not the letter, of the Court's rulings. And I think we just have reached a point where trying to get the caboose in line for the finish has been a little more difficult than keeping the train on track to this point.

THE COURT: Do you have enough witnesses for tomorrow morning?

MR. SNEDDON: At this particular point in time, we believe we do. It will be close, but I think, you know, the Court wanted us to get that three hours in, so -- but it's a local witness. So if you were contemplating something else, I could push that witness off to the next day or something.

THE COURT: Well, I think the jurors would be happier with a three-day weekend than with an interruption in the middle of the week. I don't know that, but I think so.

MR. SNEDDON: I agree with you.

THE COURT: So then the -- so, Mr. Mesereau, before I start saying anything, do you want to be

heard?
MR. MESEREAU: Your Honor, we plan to call a lot of witnesses and we could run into some scheduling problems and we may be asking for some consideration, so I think the least we could do is be considerate in this regard. Because I think anytime you're putting on a lengthy case, you can run into scheduling difficulties. So --
THE COURT: Are you saying that you sympathize with Mr. Sneddon?
(Laugher.)
MR. MESEREAU: I believe -- I think we should take Friday off, Your Honor.
THE COURT: How about the motions? I think the domestic violence one, we have all the material. I just needed to know where we were. You may want to make some additional points on that, each side, before I rule. But as far as the written work done, it's done, I think.
MR. MESEREAU: And there are some other issues, Your Honor, I think, like the motion Miss Yu filed, which is important to our case.
THE CLERK: Can't hear, Judge.
THE COURT: They can't hear you in the back.
MR. MESEREAU: The motion that Miss Yu filed dealing with examination on sexual conduct --
THE COURT: Oh, yeah.
MR. MESEREAU: -- is an important one to us. 6890

MR. SNEDDON: Judge, could I give you two other things to factor into your contemplation?
THE COURT: Yes.
MR. SNEDDON: We anticipate filing, no later than tomorrow morning, two other motions for reconsideration on issues that the Court's addressed. They're short, brief motions, but we've almost got them finished.
THE COURT: All right. Well, I think the way that I would like to handle it, then, would be that we take whatever evidence you have -- today, how much evidence do you have for today?
MR. SNEDDON: How much we have today, Your Honor? I think -- I think we'll probably finish the day out.
THE COURT: Okay.
MR. SNEDDON: I wasn't short today. I mean, we could get ten minutes short or something, but I think we'll be here the rest of the day.
THE COURT: Let's finish the day out with evidence. And then what I would do is, if we finish early with evidence on Thursday, we'll start the motions. I think we could all do with Friday off, so if we can hear -- if we can get to the end of the evidence and still have the motions before Friday, that would be a good thing, so let's make that our goal.
MR. SNEDDON: I can arrange that, Judge. 6891

I can drop one witness off the bottom.
THE COURT: You can do that?
MR. SNEDDON: I can do that, Your Honor.
THE COURT: Okay. So let's do that. Let's figure that we'll use today, tomorrow, and -- half of tomorrow and Thursday, and we'll go dark Friday, but we'll have the motions done before we leave. That's a condition.
MR. SNEDDON: Okay.
THE COURT: We will hear the motions before Friday.
MR. MESEREAU: Thank you, Your Honor.
MR. SNEDDON: All right.

(The following proceedings were held in open court in the presence and hearing of the jury:)

MR. ZONEN: We'll call Rod Forney to the stand, please.
THE COURT: Please raise your right hand and be sworn.

ROD FORNEY
Having been sworn, testified as follows:

THE WITNESS: Yes, I do.
THE CLERK: Please be seated. State and 6892

spell your name for the record.
THE WITNESS: Rod, R-o-d, Forney,
F-o-r-n-e-y.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. ZONEN:
Q. Sir, what is your current occupation?
A. I'm a detective for the Santa Barbara County Sheriff's Office.
Q. You've been so employed for what period of time?
A. For the sheriff's department, approximately 11 years.
Q. And as a detective?
A. As a detective for approximately five years.
Q. And your current assignment is what?
A. As a detective in the Coastal Operations Bureau, which is in Carpinteria.
Q. Were you called to assist on the execution of a search warrant back on the 18th of November, 2003, at an office in Beverly Hills?
A. Yes, I was.
Q. Do you happen to remember the address?
A. It was 211 South Beverly Drive, and it was Suite -- or Room No. 108.
Q. Do you recall whose office it was?
A. Yes, sir, I do. 6893

Q. And whose office was it?
A. Bradley Miller's.
Q. And your responsibilities that day were what?
A. To seize evidence.
Q. All right. And did you, in fact, seize evidence at that time?
A. Yes, I did.
Q. Now, there's three photographs in front of you. Go ahead and grab those and take a look at those photographs.
Are those, in fact, Exhibit Nos. 831, 832 and 833?
A. Yes, they are.
Q. And can you tell us what those are, 831, 832 and 833?
A. They're photographs of items I had seized from Mr. Miller's office.
Q. All right. And in front of you are a series of objects.
May I approach the witness, Your Honor?
THE COURT: Yes.
Q. BY MR. ZONEN: I'd like to show you each of these items, please, consecutively by number, and tell me if you recognize these items. Starting with Court Exhibit 823.
A. Yes, I recognize that.
Q. Is that an item that you seized? 6894

A. Yes, it is.
Q. And turned over to Sergeant Caldwell?
A. Yes, I did.
Q. And does that have a sheriff's number associated with it?
A. Yes, it does.
Q. And what is that number?
A. Which -- there's numerous numbers that are associated with it. This is Item No. 811 and it's Tag No. 122980.
Q. Okay. Let's -- we'll do the item numbers on this case.
That was Item No. 811; is that right?
A. Yes, it is.
Q. In this case, the court number is 824. And tell us what it is, please.
A. It's Item No. 812, another videotape.
Q. It's a videotape. And you seized that item as well?
A. Yes, I did.
Q. And Item No. 825, and this is Court Exhibit 825, what is that?
A. This is actually Item No. 815, and it's a videotape.
Q. When you say "815," do you mean Sheriff's No. 815?
A. That's correct.
Q. And it's a videotape as well? 6895

A. Yes.
Q. And the next one is Court Exhibit 826. Tell us what this is.
A. It's Sheriff's Item No. 816. And it's also a videotape that I seized.
Q. All right. And the next one would be Court Exhibit No. 827. What is that?
A. Okay. This is an audiotape that I seized. It is item -- Sheriff's Item No. 817.
Q. And then the next one? Quick, before it falls out of the bag.
Court Exhibit No. 828?
A. This is Sheriff's Item No. 818. And it's another audiotape that I seized.
Q. All right. And then Court Exhibit No. 829, what is this?
A. It's item -- Sheriff's Item No. 819. And it is a small videotape, digital videotape.
Q. And each of these items that you seized and turned over to Sergeant Caldwell, from where did you retrieve those items?
A. I retrieved them from like an entertainment unit in the conference room of Bradley Miller's office.
MR. ZONEN: Your Honor, the three photographs are currently in evidence. May I publish them at this time?
THE COURT: Yes. 6896

MR. ZONEN: We have to switch over to
"Input" -- is it "4"?
THE BAILIFF: I'll get it.
Q. BY MR. ZONEN: The exhibit is 831 that we're
looking at at this time. Tell us, please, in which
room in Mr. Miller's office is this?
A. It would be what I would refer to as the
conference room.
Q. All right. And can you tell us what we're
looking at in this photograph?
A. We're looking at the videotapes and
audiotapes that I had seized.
Q. This is Item No. 833 currently on the board.
Can you tell us what this is?
A. Those are some of the tapes that I had
seized that were in the same location.
Q. And then finally 832?
A. Those are also tapes that I had seized from
the same location.
MR. ZONEN: Thank you. I have no further
questions.

CROSS-EXAMINATION
BY MR. SANGER:
Q. Detective Forney.
A. Yes.
Q. How are you?
A. Fine, thank you. 6897

Q. Good. How long have you been a detective?
A. Approximately five years.
Q. And how long have you been a deputy sheriff?
A. A deputy sheriff for 11 years total.
Q. Eleven total including the five as a detective?
A. Yes, and then another 14 as a police officer.
Q. And with what department?
A. Bakersfield Police Department.
Q. Okay. Did you have assignments there other than patrol?
A. Yes, I did.
Q. Were you assigned to detectives at any time?
A. I was sort of a street-level vice/narcotics unit and also traffic as a motor officer.
Q. Okay. So would you just tell us -- that's 20-some years anyway?
A. 25 years.
Q. All right. And you were assigned to work on the case regarding Mr. Jackson; is that correct?
A. Yes, I was.
Q. And your assignment was to go to the premises of Bradley Miller in Beverly Hills and execute a search warrant; is that right?
A. That's correct.
Q. Were you assigned to do anything other than that? 6898

A. No.
Q. All right. You're familiar -- based on your training, you've had training through a POST academy, I take it, right?
A. That's correct.
Q. And then you've had inservice training at two different departments you work at, right?
A. Yes.
Q. And you would agree that chain of custody is a pretty important aspect of handling evidence; is that correct?
A. That's correct.
Q. And that's what we have all these bags for with tape on them and initials and dates and all that; is that correct?
A. That's correct.
Q. Okay. Mr. Zonen made a remark about something falling out of a bag. You want the evidence to be in the bag that it was put in so that you can show that there is a chain of custody, correct?
A. That's correct.
Q. And so you wouldn't want to, for instance, find a random piece of evidence at the bottom of a box that fell out of its bag, would you?
A. No.
Q. All right. All right. Now, let me just ask you a question or two about the pictures that were 6899

up on the board, and I won't put them back up.
But basically, when you did this search, you realized you were searching a private investigator's office; is that correct?
A. That's correct.
Q. In the course of searching that office, you found things that seemed to be consistent with this being an office of a private investigator; is that correct?
A. That's correct.
Q. There were -- there was office equipment and computers, correct?
A. Yes.
Q. And there were -- there were videotapes --
A. Yes.
Q. -- is that correct?
There were audiotapes?
A. Yes.
Q. There were tapes other than the tapes that you seized in this particular investigation; is that correct?
A. That's correct.
Q. And you would agree there's nothing unusual about investigators having surveillance tapes; is that correct?
A. That's correct. Yes.
MR. SANGER: All right. Okay. Thank you.
No further questions. 6900

MR. ZONEN: Oh, I have no further questions.
THE COURT: Thank you. You may step down.
MR. SNEDDON: Michael Davy. He should be outside.
THE COURT: For the jury, during our last hearing you weren't present for, we decided to not have court on Friday. So we've worked long and hard, a lot of days in a row, and the District Attorney has told us that he expects to end his case probably by the end of next week.
So, considering some issues that we have to decide in your absence, we're all going to take Friday off, not just you. So, remember, there won't be court tomorrow afternoon, and there won't be court Friday now.
Come forward.
MR. ZONEN: Mr. Davy, go right up to the front, please.
BAILIFF CORTEZ: Remain standing. Face the clerk. Raise your right hand.

MICHAEL DAVY
Having been sworn, testified as follows:

THE WITNESS: Yes.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name is Michael Davy. Last 6901

name is D-a-v-y.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. SNEDDON:
Q. Mr. Davy, we're going to need you to scoot up closer to that microphone, if you can. It's been a constant problem. But you have to lean into it so everybody can hear what you have to say, okay?
A. Okay.
Q. You're retired, are you not?
A. Yes.
Q. And what did you do before you were lucky enough to retire?
A. I worked for the Los Angeles City School District as a teacher, a counselor and an administrator.
Q. For how long were you employed by the school district?
A. 32 years.
Q. During the time that you worked for the school district, were you at some point in time assigned to John Burroughs?
A. Yes.
Q. And what grades does John Burroughs cover?
A. Sixth, seventh and eighth.
Q. So it's three years, then?
A. Right. 6902

Q. And what is the size of the school,
approximately, when you were there?
A. When I was there it was about 2400.
Q. Now, during the year 2002 - okay? - the
school year 2002-2003 - all right? - what were your
assignments at John Burroughs?
A. I was a grade-level counselor.
Q. And for how long did you -- were you
assigned that responsibility?
A. I worked there about -- I worked there five
years, and I was in that assignment for about three
and a half years.
Q. At some point during the school year of
2002-2003, were you reassigned some other
responsibilities within John Burroughs?
A. Yes.
Q. And what were your -- what was your new
assignment?
A. I became an administrator in charge of
attendance.
Q. All right. Now, let’s go back to the first
one. You were a counselor?
A. Right.
Q. Did you also have teaching responsibilities?
A. No.
Q. Full-time counselor?
A. Yes.
Q. And how many other counselors were there in 6903

1 the school; do you recall?
2 A. Yes. There's one for each grade level, and
3 there was a special needs counselor, so there was
4 three -- a total of four counselors.
5 Q. During the time that you were a counselor
6 and working at John Burroughs, did you meet two
7 students by the name of Gavin Arvizo and Star
8 Arvizo?
9 A. Yes.
10 Q. And did you meet their mother?
11 A. Yes.
12 Q. Do you recall her name?
13 A. Yes.
14 Q. What was that?
15 A. Janet Ventura.
16 Q. So she was known to you as "Janet Ventura"?
17 A. Right.
18 Q. And were the boys known to you as "Ventura"
19 or "Arvizo"?
20 A. Arvizo.
21 Q. Now, at some point in time you were assigned
22 as an administrator, correct?
23 A. Correct.
24 Q. What are the responsibilities or what were
25 those new responsibilities to you as administrator?
26 A. It was to process students during the
27 enrollment process, and to process them if they were
28 leaving the campus, leaving the school, transferring 6904

to another school or school district. And it was also to make monthly reports to the district on our status, our attendance status. And to find out where kids were that were not coming to school.
Q. At some point during the school year of 2002 and 2003, you transitioned from counselor to administrator, correct?
A. Correct.
Q. Can you tell us approximately when that transition occurred?
A. Well, the person that I replaced went out on leave, so I was just temporarily filling that person's job in the early parts of January, February, and March. And at some point, that person retired and I took the job permanently.
Q. So the earliest point would have been January, February, March of 2003?
A. Right.
Q. Okay. Let me show you a photograph, if I might. Just take a look at it for a second. I've handed you a photograph that I believe has the number "338" on the tag; is that correct?
A. Yes.
Q. All right. And in that photograph, do you recognize anybody in the photograph?
A. I recognize Star and Gavin, and I assume the third person is their sister, but I never met her.
Q. Okay. But the two males in the photograph 6905

are Star and Gavin?
A. Right.
Q. Okay. Now I'm going to ask you a few
questions about Star and Gavin, okay?
A. Okay.
Q. To your knowledge, were they attending John
Burroughs during some portion of the school year
during 2002-2003?
A. Yes.
Q. And during the time that they were at the
school, were you a counselor to them?
A. Yes.
Q. Or let's take them one at a time. Were you
a counselor to Gavin?
A. Yes.
Q. Were you a counselor to Star?
A. Yes.
Q. So that would have been what grade?
A. Seventh. Seventh grade.
Q. Seventh. Now, later, when you were in
charge of attendance, did it come to your attention
that Star and Gavin were not attending school?
A. Yes.
Q. And as a result of that information, what
did you do? What course of action did you take?
A. I notified our pupil services counselor that
I was unable to reach the house by phone, and I
asked him to go out there and make a home visit. 6906

Q. Does this gentleman -- is this a male or a female?
A. It's a male.
Q. And what's his name?
A. Stephen Coffman.
Q. Okay. And did you ever hear back from Mr. Coffman as to whether or not he was able to make contact with the family?
A. Yes, he reported back the same day that he was unable to make contact, and that he had left his card there, and that he had talked to neighbors, but was unable to find out where they were.
Q. At some point after this conversation that you had with Mr. Coffman, did you receive a telephone call from Janet Arvizo?
A. I did.
Q. Now, let's go back just in point in time. Prior to this telephone call - okay? --
A. Yes.
Q. -- had you met Mrs. Arvizo personally?
A. Yes.
Q. Mrs. Ventura, I guess, as she was known to you.
A. Yes.
Q. And on how many occasions did you meet Mrs. Ventura?
A. Numerous. She came up to school regularly.
Q. And how would you describe her in terms of 6907

her cooperation with you and the school?
A. She was very supportive of our efforts.
Q. Now, at the time that you received a telephone call from her after Mr. Coffman had gone out to her house and been unable to locate her - okay? --
A. Yes.
Q. -- with regard to that telephone conversation, did you find anything unusual or different about that telephone call with Mrs. Ventura than your previous contacts with her?
MR. MESEREAU: Objection. Vague and leading.
THE COURT: Sustained. Sustained.
MR. SNEDDON: On which ground, Your Honor? Just so I know.
THE COURT: Vague.
Q. BY MR. SNEDDON: During the course of your conversation with Mrs. Ventura after Mr. Coffman went out to the house, how would you describe her demeanor?
A. It wasn't forthcoming.
Q. Was that unusual, in your opinion?
A. Yes.
Q. And when the subject -- would you tell us what the subject matter of the conversation was?
A. Right, I --
MR. MESEREAU: Objection; hearsay. 6908

THE COURT: Sustained.
Q. BY MR. SNEDDON: With regard to the conversation that you had with Mrs. Ventura - okay? - did it involve the attendance of the kids at school?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
THE WITNESS: Yes.
Q. BY MR. SNEDDON: And as a result of the conversation with Mrs. Ventura, did you give her some information that was necessary with regard to the kids' future attendance at school?
A. Yes.
Q. All right. What did you tell her?
A. I -- they had been gone more than ten days, and I said that I needed her to bring them back to school or check them out. And she said to me that --
MR. MESEREAU: Objection; hearsay.
MR. SNEDDON: Your Honor, it's offered as circumstantial evidence with regard to her state of mind at this particular point in time.
THE COURT: The objection is sustained.
Q. BY MR. SNEDDON: Okay. So without telling us what she said, would you tell us what you said to her, what instructions you gave her?
A. Right. I told her that I needed the students to either return to school or to check out. 6909

1 And she said it was not --
2 Q. You can't tell us what she said.
3 MR. MESEREAU: Objection; hearsay.
4 Q. BY MR. SNEDDON: She said something in
5 response to that, correct?
6 A. Yes.
7 Q. And then did you say anything back to her?
8 A. I told her we cannot keep the kids in -- on
9 our books as students at the school for any longer
10 than we already had. And that if it was going to be
11 an extended stay, they were going to be gone for a
12 while, they needed to be checked out. And when they
13 were available to come back to school, we would
14 check them back in.
15 Q. All right. And did you give Mrs. Ventura
16 some directions as to what was necessary to check
17 the children out of school?
18 A. Right.
19 Q. Tell us what you told her.
20 A. I asked her to come in and check the
21 students out. She said that wasn't --
22 MR. MESEREAU: Objection; hearsay.
23 THE COURT: Sustained.
24 Q. BY MR. SNEDDON: Okay. So you asked her to
25 personally come in and do it?
26 A. Yes.
27 Q. Okay. And she said something back to you?
28 A. Right. 6910

Q. And as a result of that, did you give her further direction as to what procedurally would have to be followed to get those children out of school?
A. Right.
Q. Tell us what you told her.
A. I indicated that if she was unable to come, that we needed someone with a note from her, and her driver's license, and that person needed to be able to have an I.D. also. And that we needed the textbooks returned, and to do it quickly, to do it soon.
Q. All right. At that point in time, did you become aware of the fact that somebody came to check the children out of school?
A. Yes. She said that somebody would come in a day or two.
Q. And did you write a note to somebody to expect this to happen?
A. I wrote a note to my secretary that a person would be coming with her I.D. and his I.D. and pay for the books, and to direct that person to the book room to pay for any textbooks that weren't there.
Q. Now, did you at some point actually meet somebody who came to check the boys out of school?
A. I did.
Q. And do you remember the name of that person?
A. Yes. It was Mr. Amen. Vincent Amen.
Q. All right. And did you personally deal with 6911

him on the check-out procedure?
A. The secretary gave him the paperwork and made copies of his I.D. and Miss Ventura's driver's license, and she kept the note that was sent along with him.
And, you know, I spoke to him briefly, but I didn't handle the nuts and bolts of it. The secretary did.
Q. And were some books paid for on that particular occasion?
A. Books were paid for, yes.
Q. By whom?
A. By Vincent Amen.
Q. All right. I'm going to show you some exhibits.
Counsel, it will be 271 and 272.
I want you to take a look at the exhibit that's been marked as 271-A and ask if you recognize that.
A. Yes.
Q. That exhibit is actually in evidence.
And how do you recognize it?
A. It's my note to the secretary.
Q. That's in your handwriting, correct?
A. Yes.
Q. What's the date of that note?
A. February 5th. I'm sorry, I don't have my glasses on. March 5th. 6912

Q. I'm sorry, I couldn't hear you.
A. March 5th.
Q. All right. Was that note prepared at the time of -- that date?
A. I think it -- I prepared it the day that I had the phone call.
Q. Okay.
A. I had the conversation.
Q. All right. Turn the next page to page B, if you would. Do you recognize page B?
A. Yes.
Q. And with regard to page B, what is that?
A. That's a school form that we use when students check out.
Q. And for what student is that?
A. This is for Gavin Arvizo.
Q. And does it indicate the destination?
A. It does.
Q. As what?
A. Phoenix, Arizona.
Q. All right. Let's go to C, if we can. And this is 271-C. What is that document?
A. It is a note from Miss Arvizo.
Q. That's a document that you indicated she needed as part of the process if she was going to have somebody else check them out?
A. Yes.
Q. Okay. And lastly, 271-D, what's that? 6913

A. These are copies of Miss Arvizo's -- or Miss Ventura's I.D., driver's license, and Mr. Amen's driver's license.
Q. Okay. Now, let's move to 272, if we can. All we need you to do is just flip this over. Thank you.
And 272-A, which is in evidence, what is that?
A. It's the check-out sheet for Star Arvizo.
Q. And is the destination indicated on that also?
A. Yes. Phoenix, Arizona.
Q. And the next page, which would be 272-B?
A. It's a note from Miss Ventura to check out Star.
Q. Okay. And on the last page, on the back side of that is what?
A. That's the school form where the teachers sign the student's check-out form and put a grade there.
Q. And does that indicate that books were paid for on that form?
A. It does.
Q. All right. I'll take that. Thank you.
During the time that -- I want to make it more particular, but -- well, during the year -- the school year 2002 and 2003 - okay? - at John Burroughs, was there an instructor there by the name 6914

of Mr. Geraldt?
A. Yes. Mr. Geraldt, yes.
Q. Geraldt. And how long have you known Mr. Geraldt?
A. Five years.
Q. And had you worked at the same school with him --
A. Yes.
Q. -- during that five-year period?
A. Right.
Q. And what was Mr. Geraldt's position with the school?
A. He was a classroom teacher, and he also handled the detention room. And in the mornings, he didn't have a home room. He processed students that were late to school.
Q. Did the manner in which Mr. Geraldt interacted with some of the students and parents at the school cause problems?
A. Yes.
Q. In what respect?
A. He had a kind of paramilitary demeanor about him. He was kind of a drill instructor, in your face, you know. Kind of shouty, loud, and, you know, "You need to do this" and -- just aggressive.
Q. And did that cause problems with some of the students?
A. It did. 6915

Q. Did it cause problems with some of the parents?
A. It did.
Q. And did the school have to take actions towards him to try to calm down his behavior?
A. Yes.
Q. Now, at some point -- I didn't ask you this, but I should have. The documents that -- 71 (sic) and 72 (sic) that show that Gavin and Star were checked out of the school, those were completed on the day that the children were checked out?
A. Yes.
Q. That's correct?
A. Yes.
Q. That would have been in March of 2003?
A. Right.
Q. Now, did Gavin and Star come back to John Burroughs later?
A. Yes.
Q. Do you remember approximately when it was?
A. About three weeks later.
Q. Now, do you recall an incident in which a person by the name of Major Jay Jackson came to contact you?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes. 6916

Q. BY MR. SNEDDON: And do you know who Major Jay Jackson is?
A. I do.
Q. Where did you first meet Mr. Jay Jackson, Major Jay Jackson?
A. I met him in my office when I was having a conference with Gavin's mother, and he attended with her.
Q. Now, on the particular day when Major Jackson approached you, do you remember approximately when that was in relationship to the kids coming back to school, Gavin and Star?
A. Yes.
Q. All right. Tell the jury --
A. It was -- it was shortly thereafter. Within a few days or a week.
Q. And where were you when Major Jackson approached you?
A. I was in front of the school.
Q. I'm sorry?
A. In front of John Burroughs.
Q. And could you describe his demeanor at the time that he approached you?
A. All right. He was agitated. He said that there was a --
MR. MESEREAU: Objection; hearsay.
MR. SNEDDON: It's offered to explain the conduct of this witness in response to the 6917

information that was provided.
THE COURT: I'll sustain the hearsay
objection.
Q. BY MR. SNEDDON: All right. I don't know if
we got an answer to the first part, so I'll just
start over again. And don't tell us what Major
Jackson told you, okay?
A. Okay.
Q. Would you describe his demeanor when he
first approached you?
A. He was agitated.
Q. All right. And without telling us what he
said, did he say something to you --
A. Yes.
Q. -- that caused you to do something?
A. Yes.
Q. All right. As a result of the information
that you received from Major Jackson, what did you
do?
A. I went down to the street and approached a
car that had a gentleman in it that was videotaping
students.
Q. Did you actually see the camera?
A. Yes.
Q. And where was the camera at the first point
that you saw it?
A. In the driver's hand.
Q. And in what direction was it pointed? 6918

A. Out the windshield.
Q. Now, let's pause for just a second, if we can, and go back.
At what point in the school day was it that Major Jackson approached you?
A. It was dismissal time.
Q. Can you describe to the jury what it's like at John Burroughs at dismissal time in terms of the traffic flow?
A. John Burroughs is situated in a residential area between two major streets. And at dismissal time, the only way out of the school is through the front or the north and south end of the school. You can't exit the back of the school because there's houses back there. So the vast majority of these 2400 kids leave out the front or the side, but they end up in front of school.
And there's school buses out there, and there are parents, a lot of parents there to pick up their students. So you have a traffic jam for about 15 or 20 minutes where the traffic flow is very, very slow. Only about five or six cars can go through the light at a time, because the students crossing the street hold up traffic. So it would take you -- it will take you 15 minutes to go from one end of the block to the other at dismissal time.
Q. Now, at the time that you approached this car, do you remember what kind of a car it was? 6919

A. Generally, yes.
Q. Tell us.
A. It was a Nissan sports car.
Q. And where was this car in terms of the relationship with this traffic flow at the point?
A. It was in gridlock. It was in front of school in the gridlock.
Q. Were you actually able to go up to the driver of the car?
A. Yes. Yeah, that's --
Q. Did you have a conversation with the driver of the car?
A. I walked up to the driver and I told him that he couldn't videotape students. And he -- I said, "I need you to stop videotaping students." And he said, "Okay," and set the camera down on the seat or the floor of the car.
Q. Did you write down the license number of the car?
A. I did not.
Q. Was there any school security available to you on this particular day?
A. On that particular day, the school police officer was not present. And I gave him a note the next day describing the car and telling him the situation.
MR. SNEDDON: No further questions.
6920

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Good afternoon, Mr. Davy.
A. Good afternoon.
Q. My name is Thomas Mesereau. I speak for Mr. Jackson.
When did you first meet the Arvizo family?
A. Fall of 2002.
Q. Okay. And was that when Gavin and Star entered your school?
A. Yes.
Q. And Gavin and Star entered your school approximately November of 2002, right?
A. Yes.
Q. What grades were they in?
A. Seventh.
Q. Okay. They both were in seventh?
A. Yes.
Q. Okay.
A. I think Gavin had lost a year. He's older, but he had lost a year from his health problems.
Q. Okay. And had you known them before they entered your school in November of 2002?
A. No.
Q. Had you known anyone else in the family before they entered your school in 2002?
A. No.
Q. Gavin was consistently a disciplinary 6921

problem, correct?
A. Correct.
Q. His behavior was disruptive and challenging,
in your own words, correct?
A. Correct.
Q. Gavin would routinely act up in class,
right?
A. Correct.
Q. He would display poor cooperation with
students and teachers, right?
A. Right.
Q. He would create situations in which he had
an audience to view his poor behavior, right?
A. Yes.
Q. His grades were low throughout his
education, right?
A. They were at John Burroughs.
Q. Yes. Pardon me.
A. Yes.
Q. His grades at John Burroughs were
consistently low, correct?
A. Yes. Yes.
Q. And you felt he didn't apply himself in a
constructive manner in school, right?
A. Yes.
Q. You had a number of parent meetings with
Gavin, Janet and Jay in which Gavin's poor behavior
was discussed at length, correct? 6922

A. Correct.
Q. And you felt that Gavin was the kind of young man who could handle himself with adults, right?
A. He thought he was the kind of person.
Q. You felt he could handle himself with adults also, didn't you?
A. He was -- he was pretty glib, yes.
Q. You did actually write a report -- excuse me, not "write a report." You gave an interview where you actually made that statement, did you not, about Gavin; that he can handle himself with adults?
A. Yes.
Q. Okay. You looked at his school records at one point, correct?
A. You know, I don't recall that.
Q. Do you recall concluding that Gavin's grades at your school were very similar to his grades at other schools he had attended?
MR. SNEDDON: Your Honor, I'm going to object. It calls for hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you yourself ever look at Gavin's grades from other schools and compare them to the grades he got at your school?
A. You know, I don't recall that.
Q. Do you remember being interviewed by a Sergeant Steve Robel of the Santa Barbara Sheriff's 6923

Office?
A. Yes.
Q. Do you remember telling Sheriff Robel that you saw a consistent pattern of poor grades from school to school with Gavin?
MR. SNEDDON: Your Honor, I'm going to object. It's hearsay. It calls for reliance on hearsay records.
THE COURT: Overruled.
THE WITNESS: You know, I honestly don't recall it.
Q. BY MR. MESEREAU: Might it refresh your recollection to look at a police report about your interview?
A. Okay.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
Q. BY MR. MESEREAU: Mr. Davy, have you had a chance to look at that report? Does it refresh your recollection about what you told Sheriff Robel about that issue?
A. Yes.
Q. And what did you tell him?
A. That he had consistently underperformed in his academic pursuits.
Q. Do you recall that you were asked if you had seen any change in Gavin's demeanor, attitude or academic performance from the period prior to 6924

1 February 2003 to the time Gavin returned to school
2 on March 17th, 2003?
3 A. Yes.
4 Q. Do you recall your saying you had seen no
5 definitive change in Gavin's demeanor, attitude or
6 academic performance during that period?
7 A. Yes.
8 Q. Now, Gavin had a truancy counselor, correct?
9 A. Well, are you talking about Mr. Coffman?
10 Q. Yes.
11 A. Well, Mr. Coffman was an itinerant. He came
12 to school two or three days a week and dealt with --
13 he would get computer readouts of people who had
14 long-term absences.
15 Q. Okay. Is the appropriate label for him
16 truancy counselor?
17 A. No, it's pupil service and attendance
18 counselor.
19 Q. Okay. And you said he would come three days
20 a week?
21 A. Yeah. Oftentimes schools have to buy that
22 time. So sometimes the school would buy two days
23 and another school would buy three days, so he would
24 split the assignment.
25 Q. Okay. And did you discuss issues involving
26 Gavin with Mr. Coffman?
27 A. I don't know about issues. I asked him to
28 go to Gavin's house. 6925

Q. Okay. And the purpose was to talk to the family about why Gavin wasn't going to school?
A. Right. At that point in time.
Q. Okay. Now, you indicated to the prosecutor that at some point someone named Vinnie Amen came to the school to check Gavin and Star out; is that correct?
A. Correct.
Q. And Mr. Amen provided the school with a copy of his identification, correct?
A. Correct.
Q. And he gave the school a copy of his New Jersey driver's license for the school files, right?
A. Right.
Q. And to your knowledge, did he sign anything when he was checking these two students out; do you know?
A. I don't know.
Q. But your understanding was that Janet had given him permission to check out Gavin and Star, right?
A. Right.
MR. SNEDDON: I object, Your Honor. It calls for a conclusion.
THE COURT: Sustained.
Q. BY MR. MESEREAU: In your response to the prosecutor's questions, correct me if I'm wrong, did you say something to the effect that the school had 6926

permission from Janet to allow Mr. Amen to check out these two students?
MR. SNEDDON: Your Honor, I'm going to object. Calls for hearsay.
MR. MESEREAU: His state of mind, Your Honor. I believe he testified to it on direct.
THE COURT: The objection is sustained. I believe you objected to the same testimony.
MR. MESEREAU: Okay.
Q. At some point, was it your understanding that Mr. Amen did, in fact, check out the two students?
A. Yes.
Q. Okay. And what would the normal procedure be for allowing someone not in the family to check out a student?
A. A permission slip written by the parent.
Q. Okay. And did you follow the normal procedure when Mr. Amen was checking out Gavin and Star?
A. Yes.
Q. Do you know how many meetings you had with Ms. Arvizo about Gavin's poor behavior?
A. Not an exact number, no.
Q. And when Gavin was checked out of the school, how long had he been attending that school, if you remember?
A. Well, just months, since November. So 6927

November to late February.
Q. And would it be accurate to say that even though he was only there a few months, it became readily apparent that he was a disciplinary problem, right?
A. Yes.
Q. The disciplinary problems began -- excuse me. The disciplinary problems with Gavin began in November of 2002, right?
A. I don't recollect the first time.
Q. But certainly around that time, correct?
A. Probably.
Q. Now, what typically is the procedure you follow at this school if somebody has a disciplinary problem?
MR. SNEDDON: Object as immaterial, Your Honor.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you recall Gavin being late to class?
A. Not specifically, but I'm guessing that he was.
MR. SNEDDON: Object. Move to strike. Speculation. That part beyond the --
THE COURT: It's stricken.
Q. BY MR. MESEREAU: Would it refresh your recollection to look at some school records in that regard? 6928

A. Sure.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
Q. BY MR. MESEREAU: Mr. Davy, have you had a chance to look at those records?
A. Yes.
Q. Do they refresh your recollection about disciplinary problems you had at your school with Gavin Arvizo?
A. Yes.
MR. SNEDDON: Excuse me, Your Honor. I'm going to object to the question. That wasn't the question that he was refreshing. I won't talk any more, but I don't believe that's the question.
THE COURT: That's correct. It's not.
MR. MESEREAU: Let me rephrase my question, Your Honor. I'll withdraw that one.
Q. Mr. Davy, does the document you just looked at refresh your recollection about Gavin being late to class?
A. Yes.
Q. And was that a problem with him while he attended your school?
A. On occasion, yes.
Q. Do you recall a problem with Gavin banging on doors at your school?
A. Yes.
Q. Do you recall Gavin being consistently 6929

1 warned about his bad behavior?
2 A. Yes.
3 Q. Do you recall problems with Gavin arguing
4 with teachers?
5 A. Yes.
6 Q. Do you recall problems with Gavin arguing
7 with students?
8 A. No, I don't.
9 Q. Would it refresh your recollection just to
10 look at those records again?
11 A. Sure.
12 MR. MESEREAU: May I approach, Your Honor?
13 THE COURT: Yes.
14 Q. BY MR. MESEREAU: Have you had a chance to
15 look at that record?
16 A. Yes.
17 MR. SNEDDON: Your Honor, before counsel
18 asks his next question, I want to interpose an
19 objection to lack of foundation as to whether he's
20 aware of those records. Has he ever seen them?
21 MR. MESEREAU: Just refreshing recollection,
22 Your Honor.
23 THE COURT: All right. The objection as to
24 lack of foundation is overruled.
25 Q. BY MR. MESEREAU: Do you recall, Mr. Davy,
26 problems with Gavin arguing with another student?
27 A. From those records, yes.
28 Q. Do you recall a problem with Gavin having a 6930

1 negative impact on his class?
2 A. Yes.
3 Q. Do you recall problems with him jumping
4 around, quote, “like retarded people”?
5 A. Yes.
6 Q. Do you recall problems with Gavin mumbling
7 in class?
8 A. Yes.
9 Q. Do you recall your having to detain Gavin
10 for disciplinary problems?
11 A. Yes.
12 Q. And what is the detention procedure that you
13 would have used with him?
14 A. Well, basically you have to stay after
15 school for an hour.
16 Q. Okay. And do you recall a problem with him
17 that required lunch detention?
18 A. Well, a number of people can assign
19 detention, so I don’t recall that. But I’m guessing
20 that he served lunch detention.
21 Q. Would it refresh your recollection if I just
22 show you the records?
23 A. If it’s there, it happened.
24 MR. MESEREAU: May I approach, Your Honor?
25 THE COURT: I think the problem that we have
26 is that I overruled an objection by Mr. Sneddon
27 about foundation, but the -- when counsel asks you
28 if it refreshes your recollection, that doesn’t mean 6931

that you then testify about what's in the record.
It means do you independently -- now do you independently remember this?
For example, "Do you know if he was late for school?" And you say, "I don't remember." Then he says, "Well, will this refresh your recollection?"
And you look at it. And that's asking you, "Do you" -- "Now do you remember seeing him be late for school," not "What does the record say?"
THE WITNESS: Okay, I misunderstood that.
THE COURT: Okay. So --
THE WITNESS: The fact --
THE COURT: You don't need to come back to it. But the point we're at is, you want to ask him if he can refresh his recollection about -- what was it?
MR. MESEREAU: About Gavin having been detained at lunch.
THE COURT: Okay. Would looking at these records help you refresh your recollection about being detained at lunch?
THE WITNESS: No, simply because oftentimes those are reflections of dean's entries or another counselor's entries.
MR. SNEDDON: Judge, could I --
Excuse me, Counsel.
THE COURT: Yeah.
MR. SNEDDON: I don't want to be burdensome, 6932

but I think that I would move to strike --
BAILIFF CORTEZ: Microphone.
MR. SNEDDON: I don't want to be burdensome, but I move to strike all of the questions that he's used to refresh recollection until the proper foundation can be established that this witness actually remembered that, as opposed to some record.
MR. MESEREAU: I believe, Your Honor, the witness has said he remembers it and spoke to a sheriff in an interview and made those conclusions.
THE COURT: Well, the problem that's come up is whether or not he was refreshing his memory to things he actually can remember, or if he was just telling you what you showed him in the record.
So what I'll do is go back and sustain the foundation objection that he made before you asked him these series of questions relating to Gavin's behavior and strike those answers. And then you can proceed again to see --
MR. MESEREAU: Okay.
THE COURT: -- what he remembers and what was just in the record.
Q. BY MR. MESEREAU: Mr. Davy, I want to go back over some questions I asked you earlier.
Now, you were interviewed by Sheriff Steve Robel of the Santa Barbara Sheriff's Office approximately December 4th, 2003. Do you remember that? 6933

A. Yes.
Q. And that was at your school in Hollywood, right?
A. In Hancock Park, yeah.
Q. And for the purpose of that interview, you obtained Gavin's cumulative school files and his disciplinary file, correct?
A. I did. But one of the things that you need to understand is that there was another office that also handled discipline, other than the counseling office. And so some of the records that I think you're referring to came out of that office.
Q. Okay. But you did tell Sergeant Robel that you had obtained Gavin's cumulative school files and his discipline file from Bonnie Murrow, right?
A. She took my place when I transferred, so she wasn't there at that time.
Q. Do you recall telling Sergeant Robel that you had obtained Gavin's cumulative school files and his discipline file from Bonnie Murrow?
A. I believe that was after I left the school.
Q. Okay. But you did obtain those files, correct?
A. I went to obtain them. I think they were under subpoena.
Q. Do you recall meeting with Sergeant Steve Robel in a principal's office to review and discuss the files' contents? 6934

A. Yes.
Q. And you did, in fact, discuss those contents with Sergeant Robel, right?
A. Yes.
Q. You gave Sergeant Robel a brief history of the schools Gavin had recently attended, true?
A. True.
Q. They were LeConte Middle School for sixth grade, right?
MR. SNEDDON: Your Honor, I'm going to object as hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Had you counseled Gavin in your position at Burroughs?
A. Yes.
Q. And what had you counseled Gavin about?
A. Disruptive behavior in the classroom.
Q. Why did you counsel Gavin about his disruptive behavior in the classroom?
MR. SNEDDON: Your Honor, this has been asked and answered.
MR. MESEREAU: If it's in the record, Your Honor, I don't have a problem. But I wasn't sure if -- you'd asked me to go over this again.
MR. SNEDDON: Not this. Sorry, I apologize.
THE COURT: The objection is overruled.
Q. BY MR. MESEREAU: Why did you counsel Gavin?
A. I was receiving referrals from his classroom 6935

1 teachers.
2 Q. Were they negative referrals?
3 A. Yes.
4 Q. Were they consistently negative referrals?
5 A. Yes.
6 Q. Was it normal procedure when you received
7 consistently negative referrals about a student that
8 you try to counsel that student?
9 A. Yes.
10 Q. Did you have many counseling sessions with
11 Gavin about his poor behavior?
12 A. Yes.
13 Q. And do you know approximately how many you
14 had?
15 A. Probably a half a dozen.
16 Q. Did you counsel him individually or with
17 others present, if you know?
18 A. Individually.
19 Q. Is that the normal procedure for that type
20 of counseling?
21 A. Yes. Oftentimes with a parent, too,
22 present.
23 Q. Did you also counsel Gavin with any parent
24 present?
25 A. Yes.
26 Q. And what parent was typically present for
27 those meetings?
28 A. Miss Ventura. And sometimes Miss Ventura 6936

and Mr. Jackson.
Q. Okay. Did you tell Ms. Ventura that Gavin's behavior was disruptive and challenging?
A. Yes.
Q. Did you tell Ms. Ventura that Gavin would routinely act up in class?
A. Yes.
Q. Did you tell Ms. Ventura that he displayed poor cooperation with students and teachers?
A. Yes.
Q. Did you tell Ms. Ventura that Gavin would create situations in which he had an audience to view his poor behavior?
A. Yes.
Q. And did you tell Ms. Ventura that his grades were consistently low throughout his schooling?
A. I think she knew that.
Q. Okay. Do you recall meeting with Jay Jackson to talk about Gavin's poor behavior?
A. With -- with Miss Ventura present.
Q. Yes. But you did meet with Miss Ventura and Jay Jackson to talk about Gavin's consistently disruptive behavior, right?
A. Yes. Yes.
Q. And Gavin was present at those meetings, correct?
A. Correct.
Q. And you told Ms. Ventura that you had seen 6937

no definitive change in Gavin's demeanor or attitude or academic performance from the period prior to February 2003 to the time following his return to school on March 17th, 2003, right?
A. Right.
Q. Now, you indicated that at some point, Mr. Coffman went to Gavin's home; is that correct?
A. That's correct.
Q. Do you know where that was?
A. Not offhand. I mean, we use school records for that. I don't have access to that right now.
Q. To your knowledge, did Mr. Coffman find anyone home?
A. No.
Q. Did you meet with Mr. Coffman to talk about that issue?
A. Yes.
Q. Was it Mr. Coffman's responsibility to try and locate Ms. Arvizo?
A. Yes.
Q. And at some point, to your knowledge, he did locate her, correct?
A. Well, what they typically do is talk to neighbors and leave business cards with people. And at some point she contacted me.
Q. She contacted you and gave her permission to have Mr. Amen check out her sons, correct?
A. Correct. 6938

MR. SNEDDON: Object. Calls for a conclusion. It's the same question that was asked before.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Do you recall a problem with Gavin Arvizo singing in the classroom?
A. No.
Q. Would it refresh your recollection to look at these school records?
A. Like I said, those records may have been written by someone else.
Q. Okay. Well, the question would be if you remember.
A. No, I do not.
Q. Is it possible they would refresh your recollection about that, since you counseled him on those issues?
A. I didn't -- I wasn't the only person that counseled him.
Q. Well, let me ask you this: You don't remember an issue of him singing in class, right?
A. Right.
Q. If you look at some records, might they refresh your recollection about that problem?
A. Well, it will refresh my memory that it happened, but that I may not have handled it. I don't know who wrote those records.
Q. I'm only asking you about your memory about 6939

whether it happened, okay?
A. I don't have a recollection.
Q. Might it refresh your recollection to look at the records?
MR. SNEDDON: I'm going to object to the question. He says -- it's asked and answered.
THE COURT: All right. The witness is just trying to follow my instructions. Go ahead and show him the record.
MR. MESEREAU: Thank you, Your Honor.
Q. Have you had a chance to look at that school record?
A. I have.
Q. Does it refresh your recollection about any problem in that regard?
A. No.
Q. Okay. Do you recall problems with Gavin disrupting test-taking?
A. No.
Q. Is that something you recall counseling him about?
A. My general recollections of counseling him were disruptive behavior. Specifically whether it was testing or singing, whatever, it doesn't -- I can't speak to that.
Q. Okay. Did you talk to various teachers at the school about Gavin's consistently disruptive behavior? 6940

A. Yes.
Q. How many teachers did you talk to about his disruptive behavior, if you remember?
A. Well, I'm sure I spoke to the ones that were writing referrals.
Q. Were a lot of his teachers writing referrals?
A. The students at that grade level were in a group of teachers that had the same students all day. So generally if one teacher had a problem in that group, they all had a problem.
Q. Now, the prosecutor asked you questions about a teacher named Geraldt; is that correct?
A. Geraldt.
Q. And I believe you said words to the effect you thought he was somewhat -- acted in -- somewhat in a paramilitary kind of way?
A. Yes.
Q. What did you mean by that?
A. Well, he had a kind of drill instructor demeanor, I mean, when he was dealing with students that were late to class or misbehaving.
Q. But Gavin had many other teachers besides Mr. Geraldt complaining about him, didn't he?
A. In fact, I don't think he had Mr. Geraldt as a classroom teacher. I think he probably had him for his ROTC, his extracurricular --
Q. So the disruptive behavior that you've been 6941

talking about was disruptive behavior in the classroom, correct?
A. Correct.
Q. And those were classroom teachers that were referring these problems to you, right?
A. Correct.
Q. Now, you said Mr. Geraldt taught a -- was it an after-school type of program?
A. Well, he was an eighth grade science teacher, but he also had an ROTC class that sometimes met after school and on Saturdays. And he also ran the detention room after school.
Q. And did you think he was too strict in the ROTC program?
A. I don't know if he was too strict in his ROTC program.
Q. Okay. But you mentioned his paramilitary behavior. Was that in the ROTC program?
A. No, that was in his dealing with students on the yard or in the morning when they were coming in late.
Q. Okay. Okay. Do you recall him interacting with Gavin at all?
A. I do not recall that.
Q. If he had, would it be because Gavin was late?
MR. SNEDDON: Object; calls for speculation.
THE COURT: Sustained. 6942

Q. BY MR. MESEREAU: Was one of Mr. Geraldt's functions to deal with late students?
A. Yes.
Q. And how would that work? I mean, if someone was late, how would they get to Mr. Geraldt?
A. Well, he did not have a home room which met first thing in the morning, so Mr. Geraldt was assigned to process students at the front door that were late coming in.
Q. So he would simply wait at the front door?
A. Yeah. Everybody had to pass through the front door. People with passes or notes from home would proceed on. People that didn't would be processed by him.
Q. And the procedure -- excuse me. The procedure he followed if he met someone at the front door who was late was what? What would he do?
A. Well, he would write them a detention slip.
Q. Okay. And would that detention slip be handed to the student?
A. Yes.
Q. And was there a procedure dictating what the student should do with that detention slip?
A. Yes.
Q. And what were they supposed to do with the detention slip?
A. One, they were supposed to get it signed by their parent and do their detention. It was an NCR 6943

paper, so we kept the copy.
Q. Would the detention typically be done that day?
A. No.
Q. When would it typically be done?
A. The next day after the parents were notified.
Q. And was the proof that parents were notified their signature on the slip?
A. Yes.
Q. Would someone actually talk to the parent directly?
A. Somebody from school?
Q. Yes.
A. Not unless they didn't do the detention.
Q. Okay. Now, you do recall problems with Gavin being late, correct?
A. My recollection is more clear on the discipline inside the classroom, the disruption in the classroom.
Q. Okay. Now, when did you -- excuse me. Have you spoken to any prosecutor about your testimony today?
A. Yes.
Q. And when was that?
A. Last night.
Q. Okay. Who did you speak to?
A. Mr. Sneddon. 6944

Q. Okay. Did he call you?
A. Yes.
Q. And you spoke to him about what you were going to be asked today?
A. We -- he just looked at my grand jury testimony and had questions about that.
Q. Okay. And did he ask you questions about what you would be saying today?
A. No, he was just clearing up what I had said, making him understand what I said during the grand jury testimony.
Q. Have you reviewed your grand jury transcript?
A. I have.
Q. And how did you get it?
A. I got it online.
Q. Okay. And so you and Mr. Sneddon discussed what you said before the grand jury last night, right?
A. Yes.
Q. Okay. How long a discussion was that?
A. Twenty minutes.
Q. Okay. Did you and Mr. Sneddon discuss Gavin's poor record for discipline in that call?
A. Briefly.
Q. Excuse me?
A. Briefly.
Q. Okay. Did you and Mr. Sneddon discuss your 6945

interview with Sheriff Robel?
A. No.
Q. You did discuss Mr. Geraldt, correct?
A. Correct.
Q. Did Mr. Sneddon bring up the name “Geraldt” in that conversation?
A. Yes.
Q. Did he tell you he would ask you questions about Mr. Geraldt today?
A. I don’t think so. He just wanted me to tell him about it.
Q. In that conversation, did you inform Mr. Sneddon that Mr. Geraldt had not actually been a classroom teacher for Gavin?
A. I don’t think so.
Q. Okay. Did you talk about Mr. Geraldt’s responsibilities at the door of the school?
A. Yes.
Q. Did you talk about his responsibilities in the ROTC program?
A. Briefly.
Q. Okay.
THE COURT: Counsel?
MR. MESEREAU: Yes, Your Honor.
THE COURT: We’ll take our break.
MR. MESEREAU: Yes.
(Recess taken.)
// 6946

MR. MESEREAU: Thank you, Your Honor.
Q. Mr. Davy, you met the gentleman who identified himself as Vinnie Amen, didn't you?
A. Yes.
Q. And you expressed surprise at how young he seemed to be, right?
A. I believe so.
Q. And you described him as business-like, real cooperative and wearing dressy casual clothes, right?
A. Right.
MR. MESEREAU: I have no further questions, Your Honor.
THE COURT: Counsel?
MR. SNEDDON: No questions.
THE COURT: All right. Thank you. You may step down.
Call your next witness.
MR. SNEDDON: Janet Williams.
THE COURT: Come to the front of the courtroom, please.
When you get to the witness stand, please remain standing. Face the clerk and raise your right hand.

JANET WILLIAMS
Having been sworn, testified as follows:
// 6947

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Janet Williams. J-a-n-e-t, W-i-l-l-i-a-m-s.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. SNEDDON:
Q. Ms. Williams, you're now retired; is that correct?
A. I am.
Q. And before your retirement where did you work?
A. I worked for Santa Barbara County Sheriff.
Q. And how long had you worked for them?
A. A little over 29 years.
Q. I think the bailiff's about to tell you to scoot into that microphone.
In case we missed it, how many years?
A. 29 years.
Q. And at the time of your retirement, what was your assignment?
A. I was working investigations at Coastal Station, which is located in Carpinteria.
Q. And how long had you been at that particular assignment?
A. Ten years. 6948

Q. And prior to that, where were you assigned?
A. I was assigned to the main station in Goleta.
Q. In what capacity was that?
A. Jail, patrol, investigations, variety of assignments.
Q. All right. Now, prior to the time that you retired in November, the 18th of 2003, were you assigned to participate in the execution of a search warrant at Neverland Valley Ranch?
A. Yes.
Q. And during the course of your responsibilities on that particular day, did you -- were you responsible for seizing certain items of evidence?
A. Yes.
Q. And in particular, were you at one point in time assigned to search the downstairs area of Mr. Jackson's bedroom suite?
A. Yes.
Q. And in that area, did you find some items that you seized?
A. Yes.
Q. And could you just generally describe the area that you took these items from?
A. The area appeared to be similar to a sitting room. It had a piano, large screen televisions and chairs, and some books. Fireplace. That kind of 6949

area.
Q. All right. I'm going to show you a photograph.
Counsel, it's 90 and it's in evidence.
MR. SANGER: What number?
MR. SNEDDON: Nine -- 9-0.
MR. SANGER: That's fine. Thank you.
Q. BY MR. SNEDDON: Now, with regard to the exhibit that I placed in front of you, which is a photograph, which is People's 90 which is in evidence, do you recognize the area that's depicted in that photograph?
A. Yes, I do.
Q. When and where was the first time that you saw -- or were in that particular location?
A. It would have been the day of the search.
Q. And do you see depicted in the photograph, People's 90, the area from which you obtained some items that you seized and then had booked into evidence?
A. Yes.
Q. And I gave you a red pen. Would you put an arrow to the area where you obtained the items from?
A. An arrow on the photograph?
Q. Yes. Yes, mark on the photograph. Now, in that photograph -- let me get the photograph for just a second. I was looking for the laser. 6950

MR. ZONEN: Oh, here's the laser.
Gordon?
Your Honor, could we have the input, I think
four?
MR. AUCHINCLOSS: "Input 4."
Q. BY MR. SNEDDON: All right. Ms. Williams,
with regard to the photograph that we have on the
board, which is People's 90 in evidence, can you
point out to the ladies and gentlemen of the jury
the arrow that you placed on that exhibit. Use the
laser, if you would.
I think you might be pointing it the wrong
way.
A. Could be. Oh. Found the right button,
sorry.
Q. All right. So it's the one that comes down
on the right-hand side of the photograph. And below
that, directly below that are a number of boxes and
books; is that correct?
A. Yes.
Q. Is that the area from which you seized
certain items?
A. Yes.
Q. Okay. In this particular room -- well,
that's okay. I'll do it another way.
I think we can have the lights for right
now, Your Honor.
(Off-the-record discussion held at counsel 6951

1 table.)
2 MR. SANGER: All right. Go ahead.
3 Q. BY MR. SNEDDON: All right. I'm handing you
4 a bag, a plastic bag that has the number "590" on
5 it, 590 marked for identification purposes. And
6 inside the bag are four books that have been marked
7 59-A (sic), B, C and D. So I'm going to ask you
8 some questions about these, okay?
9 A. Yes.
10 Q. Now, with regard to 590-A, do you recognize
11 that book?
12 A. Yes.
13 Q. And where was the book the first time that
14 you saw it?
15 A. The book was inside one of the boxes that
16 was -- that I depicted by the arrow.
17 Q. Now, there are a number of boxes there.
18 Do you recall which one of the boxes that 59-A (sic)
19 came out of?
20 A. I do not.
21 Q. But it was from one of those boxes?
22 A. Yes.
23 Q. Okay. Now, is that book in the same
24 condition as when you seized it on that particular
25 day?
26 A. It appears to be.
27 Q. All right. Now, let's go to 59-B -- 590-B.
28 Okay. Do you recognize that exhibit? 6952

A. Yes.
Q. And when and where was that the first time you saw it?
A. Inside one of the boxes from the same area.
Q. And do you remember what specific box it was in?
A. I do not.
Q. Do you recall whether it was with the Exhibit 59 -- 590-A?
A. I do not.
Q. All right. Let's go to the next one then, 590-C. Do you recognize that?
A. Yes.
Q. And where was that book the first time you saw it?
A. In one of the boxes from the same area.
Q. Is that the same condition as when you first saw it?
A. It appears to be.
Q. All right. And then let's go to 590-D, like in "David." All right. Do you recognize that book?
A. Yes.
Q. Is that one of the books you seized?
A. Yes.
Q. From the same area?
A. Same area, yes.
Q. And do you recall whether it was with the other -- any of the other books, A, B or C? 6953

A. I don't remember.
Q. With regard to that book, does it appear to be in the same condition as when you first saw it?
A. Yes.
MR. SNEDDON: All right. Your Honor, I move that 590-A through D be admitted into evidence.
MR. SANGER: Submit it.
THE COURT: They're admitted.
MR. SNEDDON: I'm going to display these, Your Honor.
Q. 590-A, now, this particular book is titled, "Bob and Rob." After you took it out of one of those boxes that are depicted in the photograph, People's 90, what did you do with this particular book?
A. I took it to the area where Detective Padilla was preparing the documents showing the items that were being seized.
Q. He was designated as what we call "the scribe"?
A. Yes.
Q. What you call "the scribe"?
A. Yes.
Q. Okay. All right. Let's put up 590-B. With regard to this particular exhibit, "Before the Hand of Man," what did you do with that after you seized it?
A. The same procedure, I took it over to 6954

Detective Padilla for scribing in.
Q. Okay. 590-C. This is a book called “Room to Play.” And you obtained that from the same areas, correct?
A. Yes.
Q. And what did you do with it after you obtained it?
A. I took it to Detective Padilla.
Q. All right. And lastly, 590-D. That was also found in those boxes?
A. Yes.
Q. And you also took that to the detective?
A. Yes, I did.
MR. SNEDDON: All right. Thank you. Lights are fine.
(Off-the-record discussion held at counsel table.)
MR. SNEDDON: Your Honor, I’ve handed counsel for his examination a clear plastic bag which has inside of it a white binder. This exhibit has been marked as 591 for identification purposes.
Q. I’m going to ask you to look at 591. Now, yesterday, I asked you to take a look at that exhibit, correct?
A. Yes.
Q. And you did take a look at that exhibit, correct?
A. Yes. 6955

Q. And inside of the Exhibit 591, which has the white binder, there are two items, two magazines, correct?
A. Yes.
Q. Are those magazines that you seized on November 18th?
A. Yes.
Q. From where?
A. From the same area as the books that we've previously discussed.
Q. The books in 590?
A. Yes.
Q. And with regard to the two exhibits that -- the two magazines that are inside the Exhibit 591, are they in the same condition now as when you first viewed them?
A. No.
Q. In what respect are they different?
A. They've been disassembled. They were intact at the time that I seized them.
Q. But they are the same two magazines that you took?
A. Yes.
MR. SNEDDON: All right. Move that 591 be admitted into evidence, Your Honor.
MR. SANGER: I will submit it, Your Honor.
THE COURT: It's admitted.
(Off-the-record discussion held at counsel 6956

1 table.)
2 MR. SNEDDON: Your Honor, I have a clear
3 plastic bag which has on the outside of it “Exhibit
4 No. 834.” That’s on the outside of the bag. And
5 from inside the bag there are four magazines that
6 have been marked consecutively as 592, 593, 594 and
7 595. And I’ve shown them to counsel for his
8 examination. And I’m going to approach the witness.
9 THE COURT: Yes.
10 Q. BY MR. SNEDDON: First of all, there’s the
11 bag that’s marked as 834, and the four magazines,
12 592 through 595. Do you recognize those?
13 A. Yes.
14 Q. And those were also exhibits that I had you
15 look at yesterday; is that correct?
16 A. Yes.
17 Q. And you’ve had a chance to go through them;
18 is that correct?
19 A. Yes.
20 Q. And with regard -- let’s take them one at a
21 time. 592, where was it the first time that you saw
22 it?
23 A. It was inside one of the boxes that I
24 labeled on the photograph.
25 Q. Now, the title of these magazines -- or this
26 magazine is?
27 A. This is “The Nudist.”
28 Q. All right. And they must be from a long 6957

1 time ago because they're 15 cents.
2 A. It says "March 1935."
3 Q. All right. Now, do you remember where in
4 those boxes that you found the Exhibit 592?
5 A. No.
6 Q. Which one of the boxes?
7 A. No, I do not.
8 Q. Let's go to 593. Do you recognize that?
9 A. Yes.
10 Q. Is that another one of the magazines that
11 you took out of those boxes?
12 A. Yes.
13 Q. And are 592 and 593 in the same condition as
14 when you first saw them?
15 A. Seems to be, yes.
16 Q. And this one's called "Sunbather"; is that
17 correct?
18 A. Correct.
19 Q. Let's go to 594. That's also a nudist --
20 the title is "The Nudist," correct?
21 A. Yes, it is.
22 Q. Where did you find that particular item?
23 A. In one of the boxes.
24 Q. All right. And then let's -- I mean, is it
25 in the same condition as when you found it?
26 A. Yes.
27 Q. And 595? It's another of "The Nudist,"
28 correct? 6958

A. Yes, it is.
Q. Is that in the same condition as when you saw it?
A. Yes.
Q. And where did you see it first?
A. One of the boxes.
Q. Now, with regards to the Exhibit 592, 593, 594 and 595 - okay? - can you tell us whether those exhibits were all together in the same box or in different boxes? Do you have a recollection about that?
A. I don't remember.
Q. Now, with regard to those exhibits, 592, 3, 4 and 5, what did you do with them after you seized them from the box or boxes that you found them?
A. I took them to Detective Padilla for scribing and booking.
MR. SNEDDON: Your Honor, I'd move that 592 through 595 be admitted into evidence, as well as the bag that contains it, which is 834.
MR. SANGER: I'll submit it.
THE COURT: They're admitted.
Q. BY MR. SNEDDON: Miss Williams, I'm now asking you to look at three books, and the first one is numbered 596, 597, and I believe 599. Would you take a look at those for me, if you would. Do you recognize those exhibits?
A. Yes, I do. 6959

MR. SANGER: Counsel, you didn't show me those, I don't think.
MR. SNEDDON: I apologize. I was trying to be too efficient.
Q. All right. Let's start with 596, "Man, A Sexual Study of Man." Where was that the first time you saw it?
A. This was inside one of the boxes.
Q. And the same location as the other item?
A. Yes.
Q. All right. And is it in the same condition as when you first saw it?
A. Yes.
Q. All right. And the next one, 597, "The Golden Age of Neglect." Do you recognize that?
A. I do.
Q. Is that one of the items that you seized?
A. Yes.
Q. Where was it when you saw it the first time?
A. This was also inside one of the boxes.
Q. And do you recall whether it was in the same box as any of the other items that you previously identified?
A. I don't remember.
Q. Okay. And with regard to 599, do you recognize that?
A. Yes.
Q. And where was that the first time you saw 6960

it?
A. Inside one of the boxes.
Q. And the same area?
A. Yes.
Q. The boxes that you've previously talked about?
A. Yes.
Q. Is that in the same condition as when you first saw it?
A. Yes.
MR. SANGER: All right. Your Honor, I move that 596, 97 and 99 be admitted into evidence.
MR. SANGER: Submit it, Your Honor.
THE COURT: They're admitted. All three.
MR. SNEDDON: All right. We need the lights out again and "Input 4" again.
Q. 596 is the book, "Man, A Sexual Study of Man."
Now, with regard to that particular book, after you seized it, what did you do with it?
A. I took it over to Detective Padilla to have it scribed and booked into evidence.
Q. All right. And 597, do you recognize that?
A. Yes.
Q. Okay. And with regard to that particular item, what did you do with it after you seized it?
A. I took it to Detective Padilla for scribing and booking into evidence. 6961

Q. All right. And the last item, which is 599,
did you follow the same procedure with regard to
that particular book?
A. Yes, I did.
MR. SNEDDON: All right. Thank you. You
can turn the lights on. Thank you.
(Off-the-record discussion held at counsel
table.)
MR. SNEDDON: Your Honor, I have a bag
that's been marked as People's 835 for
identification purposes. And inside of the bag are
Exhibits 598 and then Exhibit 600 consecutively
through 613. So it's 598 and then 600 through 613.
And I've shown them to counsel.
And may I approach the witness, Your Honor?
THE COURT: Yes.
Q. BY MR. SNEDDON: All right. Ms. Williams,
I'm showing you the exhibit that's been marked.
It's a plastic bag, 835. You see that?
A. Yes.
Q. And then I took out -- from 835, I took 598
and then 600 through 613.
Now, did I ask you yesterday to look at all
of those magazines contained in there?
A. Yes, you did.
Q. And do you recognize those magazines? Let's
just do 598 first. Do you recognize 598?
A. Yes. 6962

Q. Where was 598 the first time that you saw it?
A. It was in one of the boxes that I mentioned earlier.
Q. And the title of the magazine?
A. “The Nudist.”
Q. All right. So why don’t we take 5 -- is it in the same condition as when you first saw it?
A. Yes.
Q. Let’s put that one aside.
Now, with regard to 600 through 613, were you asked to look through those magazines?
A. Yes, I was.
Q. And those magazines are basically the same magazines, “The Nudist,” and then there’s a few other different ones in there?
A. Yes.
Q. And were those all magazines that you found in the downstairs area of Mr. Jackson’s bedroom?
A. Yes.
Q. And where in that area?
A. Within the boxes earlier mentioned.
Q. Okay. And were those also items that you gave to Detective Padilla to be scribed and booked into evidence?
A. Yes.
Q. And are the ones that you looked at and the ones I’m talking about now, 600 through 613, are 6963

they in the same condition as when you first saw them on the 18th of November, 2003?
A. Yes.
Q. All right. Let's put those back in here.
And I move that 598 and 600 through 613 be admitted into evidence, Your Honor.
MR. SANGER: I will submit it.
THE COURT: They're admitted.
(Off-the-record discussion held at counsel table.)
MR. SNEDDON: Your Honor, I have a brown paper bag with a sheriff's evidence booking tag on the front of it, and I've had affixed to it the Exhibit No. 836 to the brown bag.
And contained inside of the brown bag are Exhibits 614, 615, 616, 617, 618 and 619 for identification purposes. And I've shown them to counsel and he's examined them, Your Honor. And I'd like to approach again.
THE COURT: All right.
Q. BY MR. SNEDDON: These exhibits I've handed you came from the bag marked Exhibit 836, okay? And again, yesterday, I had you examine the items that came out of that bag, Item 836, correct?
A. Yes.
Q. And those bags -- actually, those items have been chemically treated, correct?
A. Yes. 6964

Q. With regard to the first exhibit, 614, it's
a binder. And did you have an opportunity to
examine that item yesterday?
A. Yes.
Q. And inside of that binder, 614, did you
recognize the item inside?
A. Yes.
Q. And what was that?
A. It was a magazine.
Q. And was it the same type of variety of the
others that you've identified?
A. Yes.
Q. At the time that you saw it yesterday, was
it in a different format as when you first saw it?
A. Yes.
Q. How is it different now than when you first
saw it?
A. It is -- has now been disassembled and
chemically treated.
Q. Other than that, are the contents of the
binder, the white binder that's been marked as 614,
the same as the magazine that you picked up on
November 18?
A. It appears to be, yes.
Q. Put that aside, and let's just go to 615,
if we could. And 615, inside the plastic bag, do
you -- I had you examine that item yesterday, too,
correct? 6965

A. Yes.
Q. And what is the title of that document?
Here, let me. I got my hands dirty. I'll do it.
A. It is "The Nudist."
Q. So these are the like kind of magazine that
we've previously -- you've previously identified?
A. Yes.
Q. And other than having been chemically
treated and disassembled, is the Exhibit 615 the
same exhibit that you seized from Mr. Jackson's
bedroom?
A. Yes.
Q. All right. Let's go to 616. Do you
recognize that? You were asked to look at it
yesterday, correct?
A. Yes.
Q. And it's the same type of magazine,
"Sunshine and Health, The Nudist," as 615 is,
correct?
A. Yes, it is.
Q. Other than being chemically treated and
disassembled, is it in the same condition as when
you first saw it in Mr. Jackson's bedroom?
A. Yes.
Q. Now, these items, 614, 615 and 616, where
were they found?
A. They were found in the boxes that I've
mentioned earlier. 6966

Q. Okay. Do you remember whether they were found in the same boxes with the other items or in different boxes?
A. I don't remember.
Q. Okay. Go ahead and put that up there. And let's go to 617. Do you recognize that?
A. Yes, I do.
Q. And that's another magazine of the same brand, correct?
A. Yes, it is.
Q. Same title?
A. Yes.
Q. And it has also been chemically treated, correct?
A. Yes.
Q. And disassembled?
A. Yes.
Q. Have you had the opportunity to examine the contents of that yesterday?
A. Yes.
Q. And is that also a magazine that you obtained from Mr. Jackson's bedroom?
A. Yes.
Q. And from the same area that you previously told the jury?
A. Yes.
Q. Put that up there. Is it in the same condition, other than the 6967

chemical treatment and it's disassembled, as when you first saw it?
A. Yes.
Q. All right. The next item is 618. Do you recognize that?
A. Yes.
Q. And where was that the first time you saw it?
A. Within one of the boxes from the same area.
Q. And with regard to that exhibit, what's different about it now than when you first saw it? And by "that exhibit," I mean 618.
A. This one has also been chemically treated and disassembled.
Q. Other than that, it's the same?
A. Yes.
Q. All right. Would you put that up on top. And let's go to 619.
Do you recognize 619 for identification purposes?
A. Yes.
Q. And where was that the first time that you saw it?
A. From within one of those boxes.
Q. And that one has also been chemically treated and disassembled, correct?
A. Yes, it has.
Q. Other than that, is it in the same condition 6968

as when you first saw it?
A. Yes.
Q. All right. And with regard to these items that we've had marked for identification purposes 614 through 619, were these also given to Detective Padilla, the scribe?
A. Yes, they were.
MR. SNEDDON: Your Honor, I move that 614 through 619 be admitted into evidence, as well as the bag which contains these exhibits, which is 836.
MR. SANGER: Submitted.
THE COURT: They're admitted.
MR. SNEDDON: We're almost there.
(Off-the-record discussion held at counsel table.)
MR. SNEDDON: All right, Your Honor. At this time I've had marked for identification purposes a bag, a brown bag, with, again, a sheriff's evidence tag with the number "#366" at the top. And the number here is 837.
And from inside of that bag I've withdrawn two exhibits. One is a magazine. And its identification is 620 for identification. The title is "Eden," E-d-e-n, and the exhibit number 621 is "The Nudist" I've had marked for identification purposes.
And then lastly -- and I've shown those to counsel for his examination. 6969

1 And lastly, I have a brown bag, again with a
2 sheriff's evidence tag on it, with the number "359"
3 in black in the upper right-hand corner. Inside the
4 bag I've withdrawn the contents and shown to counsel
5 a book called "Poo-Chi,"
6 P-o-o-C-h-i. I'm sure I'm not pronouncing it
7 correctly. But that's as good as it gets.
8 And may I approach again, with your
9 permission?
10 THE COURT: Yes.
11 Q. BY MR. SNEDDON: Okay. Now, with regard to
12 the Exhibit 837, that's the brown bag, okay? We
13 have 620 and 621. So let me ask you the questions.
14 620, where did you find it?
15 A. I found this within one of the boxes.
16 Q. And is it in the same condition today as
17 when you first found it?
18 A. Yes.
19 Q. This one hasn't been treated or
20 disassembled, correct?
21 A. Correct.
22 Q. All right. And then 621, where did you find
23 that?
24 A. Within one of the boxes.
25 Q. And with regard to 621, is it in the same
26 condition as when you first saw it?
27 A. Yes.
28 Q. Now, with regard to 620 and 621, did you 6970

give those also to Detective Padilla?
A. Yes, I did.
Q. All right. If I can have those back.
And these are in the same condition as when
you first seized them?
A. Yes.
Q. If I didn't ask you, where did you seize
these two items, 620 and 621, from?
A. They were from within one of the boxes.
Q. And lastly, 538 (sic). I'm taking out of
the bag a book and handing it to you, the contents
of 538 (sic). Do you recognize that book?
A. May I look at that?
Q. Absolutely.
A. Yes, I do.
Q. Do you recall where that item was the first
time you saw it?
A. Yes, I do.
Q. Where?
A. This was located in a bookcase that is on
the far wall of the den area.
Q. Okay. I'm going to come back up and show
you Exhibit 90.
Do you recognize the area where you found
Exhibit 838?
A. Yes.
Q. All right. Would you put an arrow to it?
And would you just write "838" up there? 6971

THE COURT: I think you'd earlier called that
538. Am I correct?
MR. SNEDDON: The book, Your Honor? It's 838.
THE CLERK: He misspoke.
MR. SNEDDON: I misspoke?
THE COURT: I'm sorry, I just want the record
to reflect that when you said 538, you meant 838.
MR. SNEDDON: I did, Your Honor. Thank you.
Q. All right. For the record, on Exhibit 90
you put a red arrow and an "838" to the right of the
red arrow; is that correct?
A. I did.
Q. And that is the location where you found
Exhibit 838?
A. Yes.
Q. And is that exhibit in the same condition as
to when you found it --
A. Yes.
Q. -- on November 18th?
A. Yes, it is.
Q. Did you also give that to Detective Padilla?
A. Yes, I did.
MR. SNEDDON: Okay. Thank you.
Move that Item 837 and the contents, which
are 620 and 621, and 838 and the contents, be
admitted into evidence, Your Honor.
MR. SANGER: Submitted, Your Honor.
THE COURT: They're admitted. 6972

MR. SNEDDON: I believe that's it. No further questions.
THE COURT: Mr. Sanger?
MR. SANGER: Thank you, Your Honor.

CROSS-EXAMINATION
BY MR. SANGER:
Q. Detective Williams, how are you?
A. Fine, thank you.
Q. You -- and you're retired, correct?
A. Yes.
Q. May I still call you "detective"? Is that okay?
A. I'm happy with it.
Q. When did you retire exactly? You said that, and I missed it.
A. February of last year.
Q. February of --
A. 2004.
Q. 2004, okay. You were active duty and still working actively for the sheriff's department in November of 2003; is that correct?
A. Yes.
Q. All right. Now, Detective Williams, I think you said you've been a sheriff's officer for 29 years; is that right?
A. Yes. 6973

Q. Okay. And in fact, if I'm not mistaken, you were one of the first two female officers in the Santa Barbara Sheriff's Department; is that correct?
A. No.
Q. Okay. Close to it, in any event?
A. Close.
Q. There's a story behind there that I haven't got quite right. But in any event, you have a long career with the sheriff's department; is that right?
A. Yes.
Q. And you have been a detective for how long?
A. I was a detective two different periods. The last time in Coastal Station, which was ten years. And then prior to that, it was at the main station, which was for nine years.
Q. Okay. And part of what you did as a detective was specialize in sex crimes; is that right?
A. Yes.
Q. All right. So you have a great deal of experience being the lead detective in sex offenses; is that right?
A. I have some experience, yes.
Q. Well, when you say "some," are you being modest? You've had quite a number of cases where you've been the lead officer --
A. Yes.
Q. -- in sex cases, correct? 6974

A. Yes.
Q. All right. And in this particular case, your assignment was to assist on one of the searches that was occurring on November 18th, 2003; is that correct?
A. Yes.
Q. And you were then -- you were then not asked to do anything else. You were given no other assignments in this case; is that correct?
A. That's correct.
Q. Now, if I understand what you did, you focused your attention on that first floor. And could I have the exhibits? I'd like 590, if you have it there.
MR. SNEDDON: It's up there.
MR. SANGER: Oh, it's up there? May I approach to retrieve it?
THE COURT: Yes.
MR. SANGER: May I put this back up on the screen, Your Honor?
Q. Now, you've already told us that this is the first floor. But just so we're oriented, for people who are not oriented already, the boxes of books that you referred to under the arrow are to the right of a television, large screen T.V. console; is that correct?
A. Yes, it is.
Q. All right. And there's additional -- an 6975

1 additional part of the room to the left on this
2 picture that you can't see in the picture; is that
3 correct?
4 A. Yes.
5 Q. And did you search that entire area?
6 A. Yes.
7 Q. Behind the piano -- in fact, do you have the
8 pointer there still?
9 Okay. Would you be kind enough to point to
10 the piano?
11 Okay. By the way, on the piano, was there a
12 letter from Steven Spielberg sitting there?
13 MR. SNEDDON: Object as immaterial, Your
14 Honor.
15 THE COURT: Overruled.
16 You may answer.
17 THE WITNESS: I don't remember.
18 Q. BY MR. SANGER: All right. Behind the piano
19 that you just pointed to is an alcove area; is that
20 correct?
21 A. Yes.
22 Q. Can you point to that?
23 And there are quite a number of books in
24 that area as well, correct?
25 A. Yes.
26 Q. And that's where you found 838; is that
27 right?
28 A. Yes. 6976

Q. Most of the books in that area are art books; is that correct? Or art and entertainment kind of books?
A. I believe so. I don't remember exactly, but I believe there were quite a number of those.
Q. All right. And then on the -- where you've drawn the other arrow to the boxes, and you indicated you found the other exhibits that you've talked about today, there are -- there were a number of boxes there; is that correct?
A. Yes.
Q. You don't know whether those boxes were coming or going or had been sitting there, do you?
A. Correct.
Q. You don't know whether or not Mr. Jackson had even looked inside those boxes, do you?
A. Correct.
Q. All right. Now, Mr. Jackson is an artist; is that correct? A performer?
A. He's a performer, yes.
Q. And he's an artist. He writes and composes music and choreographs dance, that sort of thing; is that correct?
MR. SNEDDON: I'm going to object as immaterial; lack of foundation.
THE COURT: Overruled.
You may answer.
Q. BY MR. SANGER: Is that correct? 6977

A. Yes.
Q. And you saw a tremendous number of books that pertained to that sort of thing, art and dance and entertainment, music, correct?
A. I remember seeing books of that nature, yes.
Q. Do you know if people send books to Mr. Jackson?
MR. SNEDDON: Object; calls for speculation.
MR. SANGER: It's a "yes" or "no," Your Honor.
THE COURT: Yes, you may answer "yes" or "no."
THE WITNESS: I don't know if people send him books.
Q. BY MR. SANGER: All right. Now, of all of the books that you have identified -- and I'm not going to go through by number here. But out of all of the books that you've identified, there are no books in that group that are unlawful for an adult to purchase; is that correct?
A. I don't think there are.
Q. All right. And none of those books are unlawful for an adult to possess in his home; is that correct?
A. I believe you're correct.
Q. You mentioned that -- let's put it this way: You saw a number of these books. Let me see if I can take them out, here. 6978

THE COURT: Are you through with the picture up there?
MR. SANGER: Yes, Your Honor. And then I'll -- thank you.
Q. I'll just refer you for the moment to Exhibit -- the bag is 835 and the contents are 598 and following. Do you remember those magazines? Would you like me to bring them to you?
A. I remember them basically, yes.
Q. Okay. These magazines are, I think you said, from 1931; is that correct?
A. They're from different years; 1935, '37, that era.
Q. That's true, actually. These are from 1935. And the title of the publication is "The Nudist"; is that correct?
A. Yes.
Q. These appear to be collector's items, do they not?
A. They could be.
Q. All right. And you have no information as to whether or not Mr. Jackson even knew that they were in the box; is that correct?
MR. SNEDDON: Object. It calls for speculation.
THE COURT: I was going to say she could answer "yes" or "no," but anybody I've ever said that to has never answered "yes" or "no." 6979

(To the witness) Don't answer that "yes" or
"no."
(Laughter.)
THE WITNESS: But I should answer?
THE COURT: Yes.
THE WITNESS: So, may I ask what the question
was again, please?
Q. BY MR. SANGER: I think His Honor is kidding
with you. You can answer "yes" or "no."
Do you have any information as to whether or
not Mr. Jackson ever saw these nudist magazines?
A. I don't have any information that he did or
did not see them.
(Laughter.)
MR. SANGER: There you go.
THE COURT: Someone following my
instructions.
Q. BY MR. SANGER: Now, in the part of Mr.
Jackson's house that you searched, do you know how
many books were there total?
A. No, I do not.
Q. Were there thousands?
A. There were many books.
Q. Okay. At least hundreds?
A. Yes.
Q. All right. And you went to some other
places in the residence other than that particular
room, did you not? 6980

A. Yes.
Q. What other places did you go to?
A. The second story, a pantry-like room, a large room with multiple games and toys, and two bedrooms.
Q. All right. And you saw books elsewhere in the house besides where you were searching here in this room; is that correct?
A. Some books.
Q. Did you -- in order get to that room, you had to walk down a hallway, right?
A. To the den area. Is that what you're talking about?
Q. Yes.
A. Yes.
Q. And that hallway was lined, floor to ceiling, with bookshelves filled with books; is that correct?
A. I don't remember.
Q. Okay. That's fair enough. And there was a library just off of that hallway as well. Did you take a look in that library?
A. No.
Q. Okay. Now, you said you did go upstairs, because you went into Mr. Jackson's son's room; is that right?
A. Yes. 6981

Q. And right up there by his son's room is an alcove that is filled with children's books; is that correct?
A. Yes.
Q. All right. And again, there are hundreds of books up there; is that right?
A. Yes.
Q. Did you have occasion to go to the arcade where there is a room that is basically filled with books?
A. Are you talking the same room that's the second story of the main residence?
Q. No, it's a different building. The arcade building.
A. I did not go there.
Q. All right. Of all the books that you saw, you seized the ones that you felt might be of some evidentiary value based on what you understood this case to be about; is that correct?
A. Yes.
Q. All right. I'm going to ask you to take a look at 599, and see if we can....
May I approach, Your Honor?
THE COURT: Yes.
Q. BY MR. SANGER: I'm going to show you 599. That appears to be a book of photographs that were taken some time ago; is that correct?
A. May I look through it? 6982

Q. Yes, please.
They appear to be old photographs?
A. They look like they could be old
photographs. They have the sepia tone into them.
Q. All right. And you said that as far as you
know, there's nothing illegal about an adult
possessing that book in the United States, or in
California, let's say?
A. Yes.
Q. The United States in general, okay.
Were you aware that that particular author,
that photographer, was prosecuted and acquitted
during the Nazi regime prior to World War II for
those very photographs?
MR. SNEDDON: Your Honor, I'm going to
object as immaterial.
THE COURT: Sustained.
Q. BY MR. SANGER: Let's put it this way: As
you look at that, that appears to be a historic
book, a book of recording historic photographs; is
that correct?
A. I don't know what you mean by that.
Q. All right. Did you do any research as to
any of the authors of any of these books?
A. No.
Q. All right. So in other words, that day you
were there, your job was to look at things and see
if they appeared to be within the search warrant and 6983

you seized them?
A. Yes.
Q. All right. All right. Let me show you --
let me ask you, before I show you something else,
you seized some other things that have not been
introduced into evidence here; is that correct?
A. Yes.
Q. All right. You seized some paperwork from
Mr. Jackson's son's room; is that right?
A. I believe so.
Q. Okay. And you seized some other things.
You seized a Christmas invitation from Liza
Minnelli; is that correct?
A. Yes.
Q. All right. Now, I'm also going to show you
Exhibit 838.
May I approach, Your Honor?
THE COURT: Yes.
MR. SANGER: And I'll take this back, if I
may.
Q. That's 838. Before I ask you about it, your
procedure in searching through all these books and
boxes and things was to -- was to find books that,
by their cover, looked like they would warrant some
further interest on your part, right?
A. Usually I would open up the books to try to
see what was inside also.
Q. Okay. But you didn't flip through every 6984

single book in that room?
A. No.
Q. All right. So first of all, you'd look at
something that looked like it might be a book that
had something to do with sex. Is that pretty much
what you were looking for?
A. Yes.
Q. All right. And then once you found that
book, you would look through it and see if you felt
that it was the type of book that you thought should
be seized in this case, correct?
A. Yes.
Q. All right. And you've indicated you seized
some other items besides that, but when it came to
these books that related to some sexual topic, you
would actually look in them and make a determination
that you should take it, correct?
A. Yes.
Q. All right. Now, on No. 837 -- I'm sorry,
what is that? 838, the bag 838, and inside the bag
is the book, right?
A. Yes.
Q. And you seized -- have you looked inside the
book?
A. Yes.
Q. Okay. Now, again, you're an experienced sex
crimes detective, correct?
A. Yes. 6985

Q. So you're not shocked by seeing pictures of the human body; is that right?
A. I can still be shocked.
Q. Okay. Were you shocked by that book that's called Poo-Chi, P-o-o-C-h-i?
A. Yes.
Q. And you described it as -- if I get your exact -- do you recall how you described it?
A. How I described it?
Q. Yes. Did you describe it as a book containing photographs of the female groin area?
A. I may have. I'm not sure if I did or if that's the way Detective Padilla understood what I said.
Q. All right. Well, did you say something like that to him?
A. Probably.
Q. And does that appear to be what you described to him?
A. Well, some of it looks like it, yes.
Q. Okay. So the question is, is that pretty much what you told Detective Padilla, that you have a book that appears to be photographs of the female groin area?
A. Probably.
Q. All right. And, Detective, as you look at that a little more carefully, those are pictures of armpits and other bodily folds, that are not from 6986

genital areas, that are made to look like that as a spoof of some sort; is that correct?
A. Some of them could be. And some of them I don't know.
Q. All right. And once again, there's nothing illegal about owning that book, is there?
A. Not that I'm aware.
Q. And you don't know if Mr. Jackson even ever saw that before, do you?
A. I do not know.
MR. SANGER: Okay. Thank you. I have no further questions.
MR. SNEDDON: No questions.
THE COURT: All right. Thank you. You're excused.
THE WITNESS: Thank you.
THE COURT: We'll take our recess. Remember, tomorrow's a half day. See you tomorrow at 8:30.
(The proceedings adjourned at 2:30 p.m.)
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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 6835 through 6987 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 19, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, April 19, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304